

Subject: Re: Matrix re violation letter BCDC May 16 2013
Date: Monday, June 3, 2013 5:08:29 PM Pacific Daylight Time
From: Adrienne Klein
To: Steven E. Hanson
CC: 'Steve Fagalde', Brad McCrea, John Bowers, 'Julie Braun', caroline@ellispartners.com, monique@jacklondonsquare.com, 'Jennifer Koidal'

Dear Steve,

I have reviewed your matrix and am providing a PDF copy with handwritten notes. Generally, you seem to have summarized the letter well but will note areas of correction and clarification. I provide my comments with the clear caveat that you should use our letter and not the matrix as the outline of the issues, steps to resolve them and prospective penalties and enforcement actions that may ensue.

We remain available to further discuss and explain the framework we have outlined should anyone at Scott's, the Port, Cushman and Wakefield or Ellis Partners have questions that either were not answered during Thursday's meeting or that have presented themselves since then.

As noted in the May 16th enforcement letter, the planters that were located in the Port's public access area during the site visit should be removed from the Port's and Scott's public access area as they are not approved when the Pavilion is public or private use.

I have included the designated staff from the Port, Cushman and Wakefield and Ellis Partners in my reply to this email as all communication between us should also include each of these parties.

Attached for your assistance is the link to our website where you can locate the instructions and form for completing the legal instrument, which were included with the letter but which I am nonetheless providing again.

<http://www.bcdc.ca.gov/forms/forms.shtml>

Sincerely,

Adrienne Klein
Chief of Enforcement
SF BCDC
50 California Street, Suite 2600
SF CA 94111
www.bcdc.ca.gov
415-352-3609

From: "Steven E. Hanson" <hansonsteven@gmail.com>
Date: Monday, June 3, 2013 10:34 AM
To: Adrienne Klein <adriennek@bcdc.ca.gov>
Cc: 'Steve Fagalde' <stevef@scottscorp.com>
Subject: Matrix re violation letter BCDC May 16 2013

Adrienne,

I appreciate the meeting we had last week on Thursday. I wanted to share with you the matrix that I created from your letter to help guide us as to the resolution of the problems you address.

If you have any brief comments please let me know. I think I am accurate in my interpretation, however, I



Notes by Adrienne Klein
 June 3, 2013
 This matrix does not supersede BDC's 35 day letter dated 5/16/2013

Matrix - May 16th Violation Letter - BCDC

Table of Violations and Course of Action recommendations			
Relevant Permits: BCDC Permits 1985.019A, 1985.019B Enforcement File ER2013.008			
Description of Violations Item A in letter	Appropriate Course of Actions & next steps - Item C in letter	Potential Amendments Item D in Letter	Enforcement Options Item E in letter
Unauthorized Metal doorway <i>Unauthorized</i>	Remove Metal Entry Doorway (& ALL Planters) within 45 days - July 1, 2013 - <div style="border: 1px solid black; padding: 2px; display: inline-block;">ASAP. If not done</div> staff may commence a formal enforcement proceeding Note: AS of 5/30, easy to remove planters were in place. Remove Storage and not reinstall until approvals are obtained within 45 days or July 1, 2013 <i>area ASAP</i>	Scott's Letter to BCDC dated - April 16, 2013 requesting permission to legalize metal entry gate and planters. <i>(Amnt to 1985.019B)</i>	D.1 Executive Director issues Cease and Desist Order and Civil Penalty Order. This will be if Scott's takes any further actions that constitute violation of law or permit conditions. By way of example having the Pavilion closed to public access during construction for 73 days- e.g. used all the private days in construction yet still hold events including memorial service on April 26th and Planning Coalition on May 2, 2013. D.2 Commission Cease and Desist and Civil Penalty Order If violations are not corrected by July 1, 2013 (45 days) Scott's may not be able to settle with standardized fines
Failure to obtain BCDC staff approval of a complete set of design and construction plans prior to replacing tent walls	Submit and obtain staff approval of a full set of plans for the retractable wall panel system No later than June 7th.	Failure to remove unauthorized structures will subject Scott's to administrative and civil penalties and a desist and civil penalty order and double fines	D.3 Commission could revoke all permits associated with the Pavilion and any of its private operations (or I assume establish new and stricter regulations and address other issues). <i>staff</i>
Failure to comply with Three special conditions of permit a. Six year of reports of private events b. Permanently guaranteeing the Pavilion as a public access	a. Submit six years of reports of private vents for the Calendar Years 2008-2013 that meet the requirements of the Scott's permit b. Submit legal instrument (agreement or deed restrictions) to		D.4 The Commission and its administration can issue standardized fines. Scott's has a 35-day grace period from the date of this letter to resolve the violations cited in Section F of the letter (summarized below). Counting 35 calendar days from May 16 th provides that June

without standardized fines.

area c: installing and maintaining all of the public access improvements (seating, tables and public signage for a minimum of 292 days/year).	dedicate the public access. <i>designs</i> c. install public tables and chairs and repair the neon sign. <i>pursuant to staff approved plans.</i>	21, 2013 would be the deadline- <i>start of the standardized fine clock</i>	D.5 Court imposed Penalties are the last which could include <u>significant</u> penalties
Section B - Permit Requirements			
<p>Description of BCDC Permit NO. 1985.019 to the Port of Oakland</p> <p>On July 8, 1997 the Commission split this permit into two separate permits. BCDC Permit 1985.019A which covers all of Jack London Square except Scott's Seafood Restaurant and BCDC Permit No. 1985.019B which covers only Scott's Seafood Restaurant and the Port of Oakland. The permit requirements are summarized in this section.</p>			
Section F - Description of Each Violation and Associated Standardized Fines			
<p>Four Unauthorized Structures</p> <p>1a-Metal-framed entry doorway</p> <p>1b-Storage Area and Stage</p> <p>1c-Wood and metal-frame wall (near back)</p> <p>1d- Multiple planters <i>and any item placed in the Port's public access area with prior BCDC staff plan approval</i></p> <p>----</p> <p>Violation of BCDC's authority under McAteer-Petris Act via construction of a metal-framed entry doorway, storage are and stage, wood and metal-framed wall and installation of multiple planters in and adjacent to the Pavilion without first obtaining the necessary authorization. BCDC Suggested Solution: You may resolve each of these four violations either by removing these unauthorized structures or obtain necessary authorization. The requirement for obtaining necessary permits would take <i>few</i> material permit amendments to both the Scott's and the Port's permits.</p> <p>Standardized Fines for Violations: BCDC indicates that to avoid fines remove all unauthorized structures until permits are <i>amendment obtained</i> <i>Fileable applications to be otherwise submitted between 36 and 65 days and permit amendments are obtained within 155 days a standardized fine of \$2,000 per violation with resolve the violation. and possibly if</i></p> <p>2. Retractable Wall Panel System</p> <p>Scott's installed the Retractable wall Panel system by undertaking the unauthorized construction of the system prior to obtaining staff approval of design and construction plans. Resolution: Obtain staff approval of plans and modify as necessary "as-built" structure so that it is consistent with BCDC approved plans. Any required modifications made between 36 and 65 days after May 16, 2012 may be resolved by paying a standardized fine of \$1,000. Etc.</p> <p>3. Event Scheduling and Reporting <i>pursuant to BCDC staff approved plans</i></p> <p>Involves the failure to comply with the requirements of Special Condition II-B-2-c including Exhibit A of the Permit by not submitting quarterly schedules of private events to be held during the period from 2008 through 2012. And Failed to submit an annual summary of events for these same six year periods. 30 Quarterly</p>			

-3- Documents must be submitted and 6 annual documents.

4. Permanent Guarantee

Must provide a permanent Guarantee by drafting and submitting a CC&R – Covenants Conditions and Restrictions document using form on BCDC website.

5. Improvements Within the Public Access Area.

This requires Pavilion to include public tables and seating - 15 tables and four seats per table and five additional tables with two seats per table – repairing the Neon signs –and installing temporary sign when the Pavilion is in private use

Section G - Pending Submittals

We have received and will respond within the next two weeks to the plans for (1) the retractable wall panel system (and the amendment request for the unauthorized structures) and the 2012 Events Report, received on April 17 and 22, 2013.

Subject: Matrix re violation letter BCDC May 16 2013
Date: Monday, June 3, 2013 10:34:42 AM Pacific Daylight Time
From: Steven E. Hanson
To: 'Adrienne Klein'
CC: 'Steve Fagalde'

Adrienne,

I appreciate the meeting we had last week on Thursday. I wanted to share with you the matrix that I created from your letter to help guide us as to the resolution of the problems you address. If you have any brief comments please let me know. I think I am accurate in my interpretation, however, I have not the same number of violations as you suggest because I was just assuming that the violations relative to reports (for example) counted as one.. I understand now that this is not how you are counting these issues. I am looking forward to the response letter to our last communication. We will be working diligently addressing BCDC's concerns yet addressing concerns that we have as well.

Thanks

Thanks
Steve Hanson

hansonsteven@gmail.com

415-314-0172

My website:

<http://sites.google.com/site/hansonstevenwork/>



March 8, 2013

Ms. Ellen Miramontes
Bay Design Analyst
SF Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

RE: Public Pavilion
Jack London Square

Dear Ellen:

As you are aware, Scott's Seafood Restaurant has been pursuing BCDC's approval for a modified wall system to replace the canvas curtain walls of the Public Pavilion in Jack London Square for the past couple of months. I am inquiring as to the status of BCDC's approval of this project since I have been unable to obtain a copy of this permit approval directly from Scott's. Since the Public Pavilion is a part of the Common Areas of Jack London Square, we must insure that it meets and complies with all applicable regulatory agency requirements, codes, and ordinances, and must have copies of approved permits for our risk management purposes.

If BCDC has issued an approval or permit for the new wall system in the Public Pavilion I would greatly appreciate it if you could email a copy to me at jbrown@portoakland.com, or fax to (510) 893-2793. Please don't hesitate to contact me at (510) 627-1144 if you have any questions.

Sincerely,

Julie Braun
Commercial Representative V

cc: Steve Fagalde, Scott's Seafood Restaurant
Dorin Tiutin, Commercial Real Estate Division
Pamela Kershaw, Commercial Real Estate Division
Joshua Safran, Port Attorney's Office

BRISCOE IVESTER & BAZEL LLP

155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
FAX (415) 398-5630

Peter Prows
415-402-2708
pprows@briscoelaw.net

30 September 2013



SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

By Hand Delivery

Adrienne Klein
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Dear Ms. Klein:

Please accept two permit amendment applications for development at Scott's Restaurant in Jack London Square, Oakland.

The first application is for an amendment to permit no. 1985.019B. This application seeks after-the-fact authorization for a permanent door and frame on the south wall of the main Pavilion entryway. Scott's Jack London Seafood, Inc., is the applicant, and the Port of Oakland is the co-applicant, for the first application. This application includes: one copy of a large-scale project site plan and other project drawings; one copy of an 11"x17" site plan and other project drawings; seven copies of the 8.5"x11" project site plan, public access and open space plan, and vicinity map; one copy of the lease between Scott's and the Port; one copy of the parcel map; one copy a proposed CEQA document; and a check for the application processing fee (see below).

The second application is for an amendment to permit no. 1985.019A. This application seeks after-the-fact authorization for a storage area adjacent to the Pavilion, and prospective authorization for a new breezeway door to the north of that storage area and for new planters around the Pavilion. The Port of Oakland is the applicant, and Scott's Jack London Seafood, Inc. is the co-applicant, for the second application. This application includes: one copy of a large-scale project site plan and other project drawings; one copy of an 11"x17" site plan and other project drawings; seven copies of the 8.5"x11" project site plan, public access and open space plan, and vicinity map; one copy of the lease between Scott's and the Port; one copy of the parcel map; one copy a proposed CEQA document; and a check for the application processing fee (see below).

BRISCOE IVESTER & BAZEL LLP

Adrienne Klein

September 30, 2013

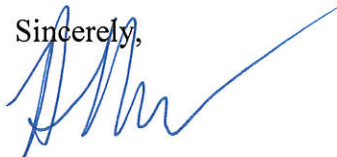
Page 2

Each application is accompanied by a check for \$1400, which is intended to cover the application processing fees. These amounts were calculated on the assumption that each application is for a material amendment to a major permit with a total project cost of between \$50,000-\$100,000. The BCDC application fee chart specifies an application fee of \$700 for this type of application. That amount was then doubled because these applications arise from BCDC enforcement action.

Preliminary title reports establishing that the Port of Oakland owns the project sites are not included. Those reports are bulky and expensive. Please let me know if you require a preliminary title report.

I look forward to working with you and BCDC staff on these applications. Please don't hesitate to contact me with any questions or concerns.

Sincerely,



Peter Prows

/psp

Enclosures

Amendment No.	<u>11 to 1985.61900</u>
Rec'vd on	<u>9/30/13</u>
Staff asgnd	<u>Adrienne</u>
Logged on	<u>10/2/13</u>
Fee Paid	<u>\$1,400 - C/CN# 73901</u>
Non-Mat	<u>✓</u>

Reset

Print

RECEIVED
SEP 30 2013

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

BCDC Application Form

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Amendment to BCDC Permit
19-85(B) Amendment 11

For BCDC Use Only

Application number:

Fee:

11 to 1985.019 B
\$1400
C/2102-93901

Application Note: permanent Doors Public Pavilion

(Application B)

Checklist of Application Requirements (For Applicant's Use)

	Major Permit	Administrative Permit	Regionwide Permit
<input checked="" type="checkbox"/> Application Form	One fully completed and signed original and seven copies	One fully completed and signed original	One fully completed and signed original
<input checked="" type="checkbox"/> Large Scale Project Site Plan	One copy	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Project Site Plan	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Public Access and Open Space Plan	Seven copies	One copy	None
<input checked="" type="checkbox"/> 8.5"x11" Vicinity Map	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> Proof of Legal Property Interest	One copy	One copy	One copy
<input checked="" type="checkbox"/> Local Government Discretionary Approval	One copy	One copy	None
<input checked="" type="checkbox"/> Environmental Documentation	One copy of environmental determination and EIR or EIS Summary	One copy of environmental determination	None
<input type="checkbox"/> N/A Water Quality Certification/Waiver	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Dept. of Toxic Substances Control Approval	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Biological Opinion/Take Authorization from state and federal agencies	One copy, if applicable	One copy, if applicable	Not applicable
<input checked="" type="checkbox"/> Application Processing Fee	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M
<input checked="" type="checkbox"/> Notice of Application*	Posted at project site	Posted at project site	Posted at project site
<input checked="" type="checkbox"/> Certification of Posting the Notice of Application*	One signed original returned to BCDC	One signed original returned to BCDC	One signed original returned to BCDC

*BCDC staff will provide the forms for posting the Notice of application and the Certification.

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resources Code.
Reference: Sections 65940-65942, 66605, 66632(b) and (f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.

Box 1

Property Ownership and Applicant Information (must be completed by all applicants)

a. APPLICANT:

☐

Owens
project
site

☒

Leases
project
site

☐

Homeowner
Association
owns/will own

☐

Other Property Rights: _____

Name/Title: Scott's Jack London Seafood, Inc

Address: 255 3rd Street, Suite 102

City, State, Zip: Oakland, CA 94607

Telephone: (510) 302-0999 Fax: (510) 302-0995

Email: stevef@scottscorp.com

I hereby authorize John Briscoe, Attorney at Law (Briscoe, Ivester & Bazel, LLP)
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Applicant

Stephen E Fagalde
Print Name

09/24/2013
Date (mm/dd/yyyy)

APPLICANT'S REPRESENTATIVE: ☐ None

Name/Title: John Briscoe, Attorney (S.Hanson consultant)

Address: 155 Sansome Street

City, State, Zip: San Francisco, CA 94104

Telephone: (415) 402-2701 Fax: (415) 398-5630

Email: jbriscoe@briscoelaw.net

b. CO-APPLICANT:

☒

Owens
project
site

☐

Leases
project
site

☐

Homeowner
Association
owns/will own

☐

Other Property Rights: _____

Name/Title: Port of Oakland

Address: 530 Water St.

City, State, Zip: Oakland, Ca 94607

Telephone: (510) 627-1184 Fax: (510) 465-3755

Email: rsinkoff@portoakland.com

I hereby authorize
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Co-Applicant

RICHARD SINKOFF
Print Name

9-24-2013
Date (mm/dd/yyyy)

CO-APPLICANT'S REPRESENTATIVE: ☐ None

Name/ Title: Richard Sinkoff, Director Environmental Programs and Planning

Address: 530 Water Street

City, State, Zip: Oakland, CA 94607

Telephone: (510) 627-1184 Fax: (510) 465-3755

Email: rsinkoff@portoakland.com

c. PROPERTY OWNER: ☒ Same As Applicant or Co-Applicant

Name/Title: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email: _____

I hereby authorize
to act as my representative and bind me in all matters concerning this application.

Signature of Owner

Print Name

Date (mm/dd/yyyy)

OWNER'S REPRESENTATIVE: ☐ None

Name/Title: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email: _____

(Box 1, Property Ownership and Applicant Information, continued)

- d. Provide documentation of property interests, such as a copy of a grant deed, lease or easement, and Conditions Covenants and Restrictions, for a homeowner's association, that demonstrates that the owner or applicant has adequate legal interest in the property to undertake the proposed project. See Commission regulations Appendix F for complete details.

e. **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:**

The following contributions of more than \$250 were made by the applicant or applicant's representative to a BCDC commissioner or commissioner's alternate in the preceding twelve months to support the commissioner's or alternate's campaign for election to a local, state or federal office.

Contribution Made To:	Contribution Made By:	Date of Contribution:
_____	_____	_____
_____	_____	_____

☒ No such contributions have been made.

f. **CERTIFICATION OF ACCURACY OF INFORMATION AND AUTHORIZATION TO INSPECT:**


I hereby certify under penalty of perjury that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission. I further agree that the Commission staff may, with 24 hours notice, inspect the project site while this application is pending.

■ 

Signature of Applicant or Applicant's Representative

09.24.2013

Date (mm/dd/yyyy)

■ 

Signature of Co-applicant or Co-applicant's Representative

9-24-2013

Date (mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date(mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date (mm/dd/yyyy)

Box 2

Total Project and Site Information (must be completed by all applicants)

- a. Project Street Address: 2 Broadway
- b. City, County, Zip: Oakland, CA 94607
- c. Assessor's Parcel Number(s): 18-415-5 (Portion thereof)
- d. Latitude: 37°47' 38.32" N Longitude: 122°16' 35.34" W
- e. Previous BCDC permit number(s) for work at this site: 1985.019B
- f. Project Name: Public Pavilion - (Replacement Door on South entry Amendment Application)
- g. Brief Project Description: Installation of permanent door and door frame on the south wall of the main Pavilion entryway. [This is an amendment for Permit 1985.019B only](#)
- h. Date work is expected to begin: March 2013
- Date work is expected to be completed: August 2013
- i. Total Project Cost: \$ \$50,000, Includes only door system
- j. Length of shoreline on the project site: 75 (for Pavilion portion) feet
- k. Length of shoreline at adjacent property owned or controlled by the applicant: _____ feet
- l. Approximate size of project site within BCDC's "shoreline band" jurisdiction: 3, 818.75 (new door occupies 3.22 sf) 581.25 sf are outside of band square feet
- m. Approximate size of project site within BCDC's "Bay" or "certain waterway" jurisdiction: N/A square feet
- n. Approximate size of project site within BCDC's managed wetland or salt pond jurisdiction: N/A square feet
- o. Approximate size of project site within the Suisun Marsh: N/A square feet
- p. Approximate size of project site outside of BCDC's jurisdiction: N/A square feet
- q. Approximate total size of project site (including areas outside BCDC's jurisdiction): 4,400 sq.ft.(total project) square feet
- r. Area of total project site reserved for non-public access uses: N/A (door is 3.22 sf of site) square feet
- s. Area of total project site reserved for public access: 4,400 sq. ft. (per permit requirements) square feet
- t. Does the project involve development within the primary management area of the Suisun Marsh?
☐ Yes ☒ No

If "Yes," provide any relevant duck club number(s): N/A

(Box 2, Total Project and Site Information, continued)

Please note that this application addresses the Pavilion Emergency Exit

door system only which occupies at its base 3.22 sf. The totals below

u. Project Details. Complete all that apply.

address the full Pavilion Site under the Pavilion Roof

Proposed Elements of the Project	In BCDC's Bay, Certain Waterway, Managed Wetlands or Suisun Marsh Jurisdiction*	In BCDC's Shoreline Band jurisdiction	Outside BCDC's jurisdiction	Totals
1. Structures	_____sq.ft.	3,818.70sq.ft.	581.30sq.ft.	4,400sq.ft.
2. All Roads, Parking, Pathways, Sidewalks	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
3. Number of Parking Spaces:				
4. All Landscaping	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
5. Left undeveloped	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
6. Shoreline Protection	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
7. Piers, docks and other marine-related purposes	_____sq.ft.	_____sq. ft.	_____sq.ft.	0sq.ft.
8. Areas used for other purposes (specify)	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
Totals:	0sq.ft.	3,818.70sq.ft.	581.30sq.ft.	4,400sq.ft.

* If project will occur in more than one of these jurisdictions, provide the requested information for each area separately.

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.
2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.
3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.
4. Endangered or Threatened Species.
 - a. Identify any known threatened or endangered species, or any species that the California Department of Fish and Game or a federal wildlife agency has determined are candidates for listing as threatened or endangered species, or any species that provide substantial public benefits that may be found at the project site.
 - b. Provide any "biological opinion" issued by a state or federal agency as the result of an endangered species consultation.
 - c. Provide any "take" authorizations issued by the state or federal resource agencies.
5. Identify any subtidal areas that are scarce or that have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).
6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.
7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.
8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.
9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.
10. **PROJECT PLANS:** Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay). **See also Appendix F for details.**

Box 3

Fill Information

("Fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. Gov. Code Section 66632(a))

a. Complete this box if fill would be placed in any of these areas (check all those that apply):

- ☐ San Francisco Bay
 ☐ Salt pond
 ☐ Managed wetland
 ☐ "Certain waterway"

☐ Primary management area of the Suisun Marsh
 Other: _____

b. Surface area of tidal and subtidal property to be covered with fill: _____ square feet

c. Total volume of solid fill to be placed in tidal and subtidal areas: _____ cubic yards

d. **Type of Fill.** Surface area of proposed:

Solid fill:	_____	square feet
Floating fill:	_____	square feet
Pile-supported fill:	_____	square feet
Cantilevered fill:	_____	square feet
Total area to be filled:	<div style="border: 1px solid black; width: 150px; height: 30px;"></div>	square feet

e. **Types of Areas to be Filled.** Of the total area to be filled, what is the footprint of fill that would be placed in:

Open water:	_____	square feet
Tidal marsh:	_____	square feet
Tidal flat:	_____	square feet
Salt pond:	_____	square feet
Managed wetlands in the primary management area of the of the Suisun Marsh:	_____	square feet
Other managed wetlands:	_____	square feet

f. Area on new fill to be reserved for:

Private, commercial, or other non-public-access uses:	_____	square feet
Public access:	_____	square feet

(Box 3, Fill Information, continued)

g. INFORMATION REGARDING FILL (PROVIDE IN AN ATTACHMENT):

1. Provide dimensions of portions of all structures to be built on new fill, including length, width, area, height and number of stories.
2. Provide one or more photographs of existing shoreline conditions.
3. Explain the purpose of fill in the Bay, salt pond, managed wetland, certain waterway, or Suisun Marsh considering that the Commission can approve new fill for only five purposes: (a) accommodating a water-oriented use; (b) minor fill for improving shoreline appearance; (c) minor fill for providing new public access to the Bay; (d) accommodating a project that is necessary to the health, safety, or welfare of the public in the entire Bay Area; and (e) accommodating a project in the Suisun Marsh that is consistent with either: (1) the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan; or (2) the Suisun Marsh Local Protection Program.
4. Explain:
 - (a) what possible impacts the fill would have on the Bay Area, including impacts on: (1) the volume of Bay waters, on Bay surface area, or on the circulation of Bay water; (2) water quality; (3) the fertility of marshes or fish or wildlife resources; and (4) other physical conditions that exist within the area, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance; and
 - (b) how the nature, location, and extent of the fill would minimize possible harmful conditions or effects to the Bay.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.
6. Explain: (a) why the fill would be the minimum amount necessary; and (b) why there is no alternative upland location for the project that would avoid the need for Bay fill.
7. If the fill is to be used for improving shoreline appearance or providing new public access to the Bay, explain why it is physically impossible or economically infeasible to accomplish these goals without filling the Bay.
8. Explain how the fill would result in a stable and permanent shoreline.
9. Explain the steps that would be taken to assure that the project will provide reasonable protection to persons and property against hazards of unstable geologic or soil conditions, of sea level rise, or of flood or storm waters.
10. Provide the names, addresses, and telephone numbers of any licensed geologists, engineers, or architects involved in the project design who can provide technical information and certify the safety of the project.
11. Describe in detail the anticipated impacts of the fill on the tidal and subtidal environment, and describe how these impacts would be addressed or mitigated, and explain how the public benefits of the project would clearly exceed the public detriment from the loss of water area, tidal marsh or tidal flats.
12. For marina projects, indicate how many berths, if any, are to be made available for live-aboard boats and explain how these live-aboard boats would contribute to public trust purposes.
13. For tidal, subtidal and other wetland restoration projects, including mitigation projects: (a) identify specific long-term and short-term biological and physical goals; (b) identify success criteria; (c) provide a monitoring program intended to assess the success and sustainability of the project; (d) include an adaptive management plan with corrective measures, if needed, to achieve success and sustainability; and (e) identify the provisions for long-term maintenance, as required by the Bay Plan policies on Mitigation, Tidal and Subtidal Areas. The Commission's laws and policies may be found at www.bcdc.ca.gov in the digital library.

Box 4

Shoreline Band Information

("Shoreline band" means the land area lying between the Bay shoreline and a line drawn parallel to and 100 feet from the Bay shoreline. The Bay shoreline is the Mean High Water Line, or five feet above Mean Sea Level in marshlands.)

- a. Does the project involve development within the 100-foot shoreline band around San Francisco Bay?

☒ Yes ☐ No

If "Yes," complete this box.

- b. Types of activities to be undertaken or fill, materials or structures to be placed within the shoreline band:

This project is to build a permanent door system within the shoreline band. That system consists of a small (3.22sf) concrete support system anchored to the ground, two tubular steel columns extending upwards from that support system and connecting to the Pavilion's roof structure, a cross member, glass and lattice work, and moveable door panels.

- c. Would the project be located within a priority use area designated in the San Francisco Bay Plan?

☐ Yes ☒ No

The Bay Plan and Maps that depict priority use areas can be viewed in the digital library at www.bcdc.ca.gov.

If "No," go to section (d). If "Yes," please indicate which priority use the area is reserved for: _____

Would the project use be consistent with the priority use for which the site is reserved?

☐ Yes ☐ No ☐ Not Applicable

If "Yes," go to section (d). If "No," attach an explanation of how the project can be approved despite this inconsistency.

- d. Total shoreline band area: _____ Within project site: 22,418 square feet
To be reserved for private, non-public access uses: (See note 4.d below) _____ square feet
To be reserved for public access: (See note 4.d below) _____ square feet

e. **INFORMATION ABOUT WORK PROPOSED IN THE SHORELINE BAND (PROVIDE IN AN ATTACHMENT):**

1. Provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories.
2. Provide one or more photographs of existing conditions within the 100-foot shoreline band.

Note 4.d (above)- The Pavilion area, along with the 23,000 sf of the Franklin Plaza, is dedicated open space with the exception of the 4,400 sf Public Pavilion which can be closed up to 20% of each year for private purposes. These are the conditions of both Existing Permit 1985.019B and 1985.019.20A. This application addresses the main entry door which must maintain a public space emergency fire door.

Box 5

Public Access Information (must be completed by all applicants)

a. PUBLIC ACCESS DETAILS:

1. Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

☒ Yes ☐ No

If "Yes" attach a description of the existing public access and views at these areas.

Please see attached Elevation A.3., Proposed (safety exit door) project has minimal impact to views

If "No," explain what is preventing public access to, or views of, the shoreline.

2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.

Views and public access would not be significantly adversely affected. (See also attachment.)

3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

This project enhances the visual attractiveness and fire safety of the Pavilion, which will likely increase public use.

4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Pavilion attracts up to 20,000 visitors per year and enhances opportunities for additional visits because it provides a unique venue for public as well as private events.

5. Do public safety considerations or significant use conflicts make it infeasible to provide new public access to the shoreline on the project site?

☐ Yes ☒ No

If "Yes," describe the public safety considerations or significant use conflicts that make it infeasible to provide public access at the project site and either: (1) identify an offsite area where public access to the shoreline is proposed as part of the project and describe the proposed public access area and improvements at that location; or (2) explain why no offsite public access is proposed as part of the project.

(Box 5, Public Access, continued)

6. Dimensions of the public access areas: ☐ None Proposed ☒ No significant change in public access

	Existing		Proposed	
Total public access area including areas outside the Commission's jurisdiction:	23,000	square feet	4,400 is closed to public access up to 20% of time, per permit requirements, when Pavilion is in Private use (however faster transition could reduce transition times)	square feet
Public access within Commission's shoreline band jurisdiction:	23,000	square feet		square feet
	75 lf	linear feet	75 lf	linear feet
	27 ft	average width	27 ft	average width
Public access pathways, sidewalks in the shoreline band:	Public access in the shoreline band consists of an existing plaza (Franklin Street Plaza) that connects Franklin Street, Water Street and a public walkway to the 23,000 sf plaza			
	Approx. 214 lineal feet from the southern edge of Water Street and Franklin Street to the shoreline pier railing.	linear feet		linear feet
	Approx. 23 feet when in Private use, 85 feet when in public use	average width		average width
Public access area, landscaping in the shoreline band:	Landscaping consists of planter boxes adjacent to existing structures and large concrete planters placed inside the plaza area and are typical of retail oriented mixed-use urban projects			
		square feet		square feet
Public access on fill within Commission's Bay, certain waterway, and managed wetlands jurisdiction:		square feet		square feet
		linear feet		linear feet
		average width		average width
Public access on piers or decks over water/wetlands:	The project does not alter existing shoreline, there is no new fill or pier construction			
		square feet		square feet
		linear feet		linear feet
		average width		average width
View Corridor(s):	approximately 15,935 sq. ft.	square feet		square feet
	approximately 214 linear ft.	linear feet		linear feet
	approximately 85 feet.	average width		average width
Public Access Parking:		stalls		stalls

There are approximately 1,300 public paid parking stalls in the area west of Franklin Street.

There is no new parking for this project.

b. ADDITIONAL PUBLIC ACCESS INFORMATION (PROVIDE IN AN ATTACHMENT): See Attached information

1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements.
2. Describe how the public access area and facilities would be accessible to disabled persons.
3. Describe the proposed connections to existing public streets or offsite public pathways.
4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.
5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

Box 6

Dredging and Mining Information

- a. Complete this box if the project involves mining, dredging or the disposal of dredged material in any of the following areas.

☐ San Francisco Bay ☐ Salt pond ☐ Managed wetland ☐ "Certain waterway"
☐ Primary management area of the Suisun Marsh ☐ Other: _____

- b. Are you submitting a separate application to the Dredged Material Management Office (DMMO)?

☐ Yes ☐ No

If "Yes," attach a copy of that application; it is not necessary to complete this Box. If "No," complete this box.

- c. Type of activity: ☐ Maintenance Dredging ☐ New Dredging ☐ Mining

- d. Method of dredging or mining: _____

- e. Total volume and area of material to be dredged or mined from:

Open waters: _____ cubic yards _____ square feet

Tidal marshes: _____ cubic yards _____ square feet

Tidal flats: _____ cubic yards _____ square feet

Salt ponds: _____ cubic yards _____ square feet

Managed wetlands in the primary management area of the Suisun Marsh:
_____ cubic yards _____ square feet

Other managed wetlands: _____ cubic yards _____ square feet

Subtidal areas that are scarce or have an abundance and diversity of fish,
other aquatic organisms and wildlife, such as eelgrass beds and sandy deep water:

_____ cubic yards _____ square feet

Other (specify): _____ cubic yards _____ square feet

- f. Are knockdowns proposed as part of the dredging project?

☐ Yes ☐ No

Number of knockdowns: _____

Volume per knockdown event: _____ cubic yards

(Box 6, Dredging and Mining Information, continued)

g. Location(s) where dredged or mined material will be deposited: _____

h. Total volume of dredged material to be disposed: cubic yards

Beneficially re-used: cubic yards

i. Estimated future maintenance dredging required annually: _____ cubic yards

j. For dredging projects:

Proposed design depths (MLLW): (1) _____ (2) _____ (3) _____

Proposed over-depth dredging (+ feet): (1) _____ (2) _____ (3) _____

Number of dredging episodes: _____

k. Does this project have an annual average dredging average of 50,000 cubic yards or less?

☐ Yes ☐ No

l. ADDITIONAL INFORMATION (PROVIDE IN AN ATTACHMENT):

1. If the dredged material is to be disposed of in the Bay, explain why the material cannot feasibly be beneficially re-used or disposed of in the ocean, upland, or inland outside of the Commission's jurisdiction.
2. Provide the results of testing for biological, chemical or physical properties of the material to be dredged.
3. Provide a copy of a water quality certification or waste discharge requirements for the dredging or disposal of dredged material from the San Francisco Bay Regional Water Quality Control Board.
4. Identify local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic vegetation; and (e) the Bay's bathymetry.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.

Box 7

Information on Government Approvals (must be completed by all applicants)

	Required YES NO	Type of Approval	Date Approval Expected/Received	Agency Contact and Phone Number
Local Government Discretionary Approval(s):	<input checked="" type="checkbox"/> <input type="checkbox"/> Yes No	**Building and Planning		City of Oakland 510-238-3911
State Lands Commission:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Regional Water Quality Control Board:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
			Regional Board Number:	
California Dept. of Toxic Substances Control:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
California Department of Fish and Game Streambed Alteration Permit:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No	**Building Permit from the City of Oakland (as the lead planning agency for the Jack London Square area) will provide additional planning input and will determine final CEQA requirements and building permit requirements.		
DF&G Take Authorization:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Other DF&G Permit:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
U.S. Army Corps Of Engineers:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
			Public Notice Number:	
U.S. Fish and Wildlife Service: Take Authorization	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Biological Opinion:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
NOAA Fisheries Service: Take Authorization	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Biological Opinion	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
U.S. Coast Guard:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Federal Funding:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Other Approval (Specify):				

Box 8

Environmental Impact Documentation (must be completed by all applicants)

- a. Is the project statutorily or categorically exempt from the need to prepare any environmental documentation? ☒ Yes ☐ No **City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements. (Attachment Box 8. A)**

If "Yes," please attach a statement that identifies ar

- b. Has a government agency other than BCDC, serving as the lead agency, adopted a negative declaration or certified an environmental impact report or environmental impact statement on the project? ☐ Yes ☒ No

If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow the Commission to make the necessary findings regarding all applicable policies. The certified document must be submitted prior to action on the permit. **City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements. (attachment Box 8 A)**

Box 9

Public Notice Information (must be completed by all applicants)

- a. Owners and residents of all properties located within **100 feet** of the project site (if more than four, provide the information electronically): **Notice: No residential housing exists in this commercial project area- Building Owners within the Project area are ground lessees, leasing from the Port of Oakland, there are several commercial sub-tenants**

North:

Name: Murasaki Jack London Square
Address: 419 Water St, Oakland, CA 94607
City, State, Zip: (510) 891-9929
murasakijacklondon.com
Telephone: (415) 333-3333

East:

Name: California Canoe & Kayak
Address: Jack London Square, 409 Water St, Oakland, CA 94607
City, State, Zip: (510) 893-7833
Telephone: (415) 333-3333

South:

Name: Kincaid's (Restaurant)
Address: 1 Franklin St, Oakland, California 94607
City, State, Zip: (510) 835-8600
kincaids.com
Telephone: _____

West:

~~West:~~ North
Name: Forge Restaurant
Address: 66 Franklin St, Oakland
City, State, Zip: Oakland, CA 94607
Telephone: 510-268-3200
(415) 333-3333

- b. Other persons known to be interested in this project: ☐ None
(if more than two, provide the information electronically).

Name: Jack London Square Management Offices
Address: 70 Washington Street, Suite 207 Oakland, CA 94607
City, State, Zip: 510.645.9292
Telephone: 510.645.9363 / Fax
info@jacklondonssquare.com

Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____
(415) 333-3333

See additional interested contacts on attached pages.

Box 9. Public Notice Information (supplemental)

In addition to those interested parties listed on the form the following are also relevant to other persons (organizations) interested in the project.

Waterfront Coalition

Sandra Threlfall, Executive Director

Waterfront Action

P.O. Box 11456

Oakland, CA 94611

Katherine Gavzy

President

League of Women Voters of Oakland

1305 Franklin Street, Suite 311

Oakland, CA 94612-3222

Jack London District

Association

655 3rd Street, PMB 21

Oakland, CA 94607

(510) 473-JLDA

(510) 473-5532

Email: info@jlida.org

Attachment A

Note: Attachment – to Application for Pubic Pavilion – **Permanent Emergency Exit Door** – Addendum to Application B rev.9-6-13

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.

The applicant is requesting after-the-fact approval for a replacement wall system for the Public Pavilion. The wall system originally installed on the Pavilion was a plastic/vinyl tent wall system that requires replacement at considerable cost every five years due to wear and tear. That wall system was drafty, energy inefficient, did not provide efficient emergency exit systems, and was visually unattractive. Most significantly, it required four staff members up to four hours to remove and store and an additional four hours to unpack and install the system each time there was a private event.

The replacement wall system is an innovative design-build system using a manufactured product by Kelwall.

Kelwall's documentation includes the following statement about its product:

"Kelwall is the most highly insulating, diffuse light-transmitting, structural composite technology in the world. Kelwall has perfected a unique composite fenestration sandwich panel that combines controlled, usable, natural daylight with the ultimate in energy efficiency. Lightweight, shatterproof, and rapidly installed, Kelwall has unrivaled structural integrity." The information on their systems are available at the following website: <http://www.kalwall.com/>

The system at the Public Pavilion consists of approximately 43 individually-designed moveable panels. Each panel is approximately 5 feet wide by 15' high with variations designed for precise fit. Each panel is suspended on specially-designed trolley hangers that roll in a special tubular-track system that surrounds the underside of the exterior structural tubular steel fascia of the Pavilion. The tubular tracks are not visible from outside the Pavilion since they are mounted immediately behind the tubular fascia.

Each wall panel is rolled into place to enclose the Pavilion to provide an insulated and secure system during private events. The panels are rolled back into a stackable wall location when the Pubic Pavilion is in public use. The effort it takes to install the movable walls in private use takes no more than 30 to 45 minutes and when the process is reversed, the same time is necessary. This process saves up to a total of seven hours from the old system. This savings provides a total of approximately seven additional hours of public access to the Pavilion before and after each private event.

When in public use, the panels are stored outside the existing view corridors. These stored locations are adjacent to existing structures that already obscure the view corridor as they are permanent retail buildings or the Scott's restaurant itself. A complete set of plans and illustrations provides a visual concept of the system that has been installed.

2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.

The Pavilion occupies approximately 4,400 square feet of the approximately 23,000 square foot Franklin Street Plaza area. The Plaza is located at the foot of Franklin Street in Jack London Square, and is bordered by the center basin of the Jack London Square marina on the east and the Oakland Estuary on the south, as well as the vacated Water Street on the north. The Franklin Street plaza was converted from the Franklin Street self parking lot in 1985 to the plaza it is today. It is built on landfill that is supported by an historic quay wall. A portion of the plaza is over an historic pier on the south side. The pier has been in place since before 1950. There is no fishing or direct water access available in this area.

In the process of developing Jack London Square, the Port vacated the streets leading into Jack London Square (on the south side of Embarcadero –aka First Street). The Port then installed acres of interlocking concrete

pavers throughout the phase I area of Jack London Square, including the Plaza, consisting of red, white and gray units and creating patterns on the pavement. The Plaza hosts street furnishing including benches, lighting, and many large concrete planters with seasonal vegetation typical in an urban mixed-use retail center. The curbs, gutters, sidewalks, benches, lighting, planters and pavers help blur the distinction between the streets and pedestrian ways, slow traffic, and invite pedestrian access to all areas.

Two restaurants—Scott's and Kincaid's—were constructed in the 1950s on piers over the Oakland Estuary bordering the Plaza on the south and west. The Plaza thus also provides needed service access to those restaurants as well as a public open space with views of the water on both the east and south. The Plaza also allows pedestrian access to Kincaid's front door and the Pavilion and other banquet facilities within Scott's restaurant. The Plaza houses the UN flag and a plaque dedicated to the charter/conference of the UN which took place in San Francisco in 1945. The plaza provides view access along the railing on the east to view the marina and beyond, and it also leads individuals to a public access walkway along the water that wraps along the water side of Scott's restaurant leading west to the Broadway pier and a viewing platform.

3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.

This project will not disturb Bay waters or Bay mud in the area as all work is being carried out on an existing pier and landfill.

The existing condition of the Oakland Estuary adjacent to the Pavilion is subject to typical tidal currents. The average depth immediately off the pier is no more than 15 feet as it is out of the dredged channel. The water column's turbidity appears to be improving as in other parts of the Bay. This part of the Oakland Estuary is subject to significant recreational vessel movement – not nearly as much commercial vessel traffic as once occurred.

4. Endangered or Threatened Species.

No species that are known to be threatened or endangered are known to exist in the project area, or are likely to be adversely affected by this project.

5. Identify any subtidal areas that are scarce or that have abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).

There is no known scarcity of subtidal areas or particular abundance or diversity of marine life at the site.

6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.

There is no opportunity for the project to create additional storm water runoff or release of pollutants. All painting of the new components is to be completed prior to assembly - off site in a specially designed facility. No other changes to the site would enhance or inhibit current controls or create additional water pollution. There are no new areas proposed to be covered by hard surfaces, and no practical method to change or modify rainwater collection or discharge systems. All pavement washing is done with a water collection vacuum system to eliminate polluted runoff.

7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or

vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.

No subsurface disturbance has been created by the construction of the new moveable wall system or improvements discussed in this permit application. There is known subsurface contamination generally located in various areas in Jack London Square as a result of its industrial history. The subsurface soil contamination was mitigated under the supervision of state regulatory authority to the extent required by law when the Phase I portion of the Jack London Square project was developed (including the construction of the Pavilion) which occurred during the period from 1985- 1990. No further environmental exposure to wildlife or humans exists as a result of this project.

8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.

There are no waste discharge requirements as a result of this project or its on-going operations and therefore no approvals under the authority of DTSC or the RWQCB are required.

9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.

Section 66602 of the McAteer-Petris Act requires that projects provide "maximum feasible public access." BCDC issued Scott's Restaurant a permit (Permit No. 19-85(B)) allowing the Pavilion to be closed for private events up to 20 percent of the time each year, finding that this was consistent with BCDC's laws and policies. The permit found that, before the Pavilion was built, the 23,000 sf plaza received "relatively little public use, in part because its primary function is as a service vehicle access to the two restaurants and retail shops". The permit found that the Pavilion "could generate activities in the plaza which do not occur there now because of the existing building and use configuration. The private banquets events may bring people to Jack London Square who would not otherwise visit the shoreline and it may serve as a catalyst for future visits to the Square and will likely generate additional sales for other business."

The most recent recession and economic slowdown have posed the most significant challenge that Jack London Square has ever faced. With 80 % of the retail currently vacant in Jack London Square, the challenges for this development's success have never been greater. The Pavilion project, however, has been a success. It has provided an opportunity to add an additional anchor to the Jack London Square project by successfully attracting patrons and new guests and exposing them – some for the first time – to the Oakland Waterfront. Since its initial operations began in 1996, the Public Pavilion has generated up to as many as 23,000 new visitors to Jack London Square, for banquets, weddings, and other special events.

The new movable wall system installed on the Pavilion serves BCDC policies by further ensuring that the Pavilion will continue to attract the public to the waterfront. The proposed modification to the existing structure contemplates the replacement of one enclosure system used when the Public Pavilion is in private use with a new, more modern, and easier-to-manage enclosure system. The enclosure system that is being replaced required up to four hours to install for each event and four hours to remove and store after each event. The new system enables the Public Pavilion to be converted from public use to private use in no more than 30 to 45 minutes and back to public use with the same effort in reverse. Using this system permits the Public Pavilion to be open to public use up to a total of approximately seven hours longer before and after each private event. That additional public access should attract new patrons to the area and will help the area become a more attractive and useful

civic venue, consistent with BCDC policies.

10. PROJECT PLANS: Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

To be attached.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. **At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay).**

These boundaries and sight lines remain the same with this project application.

Attachment B

Box 5 – Public Access Information Attachment. App B.

Box 5.a.1.

Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

Answer to above question continues:

The views on the project site exist as follows: The 23,000 sq. ft. Franklin Street Plaza is located at the foot of Franklin Street in Jack London Square which has a turnaround at Water Street. Water Street (which is a pedestrian street providing access to emergency and service vehicles) bisects Franklin Street at the turnaround. Water Street continues perpendicular to Franklin Street and connects with Broadway and Washington Streets on the west and Webster Streets on the east. The views from Water Street (standing at the foot of Franklin Street) include the center basin of the Jack London Square Marina to the east, Kincaid's waterfront restaurant to the immediate south and views of the Oakland Estuary to the west and east of Kincaid's. The view of the Oakland Estuary from the same vantage point towards the west provides an unobstructed 34 foot wide view corridor to the Estuary approximately 80 percent of the time when the Pavilion is open for public use. The authorized pavilion design provides 18 foot wide view corridor though the plaza to the shoreline during private events.

In general, the views of the Oakland Estuary from the foot of Franklin Street are framed or obstructed by Kincaid's on the east, and by Scott's restaurant on the west. When the Pavilion is in public use, a filtered view of the Estuary exists looking past the Pavilion's lattice like support structure. When walking towards the estuary (entering the Franklin Street Plaza) the water's edge is viewed from the Franklin Plaza pier and a walkway, which permits pedestrians to continue along the estuary west towards Broadway. The walkway/ pier constructed on the water side of Scott's leads to a pair of binoculars on the Broadway Pier installed by Scott's.

Vehicle access from downtown Oakland and Highway 880 is available from surface streets, which are listed above. There are two major parking structures that were constructed between Webster Streets and Clay Streets to support the mixed-use retail development including all the public access along the shoreline in Jack London Square.

Box 5.a.2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact

This project's primary purpose is to replace the wall materials of the Pavilion. The old "tent wall" system has been used since the Pavilion began operation in 1986 and is not an efficient or attractive system for converting the Pavilion between private and public use modes. When the new moveable wall system is in private use mode, the wall panels are anchored to the ground with pegs and the new permanent door system is closed. In the event of an emergency during a private event, the door system can be opened.

The new wall system is designed to enhance public access to the area by providing a more attractive and better working system than the tent walls. One of the primary goals of the moveable walls is that it permits faster turnaround from private events and thus allow more public use of the Public Pavilion. The Pavilion is permitted to be closed to the public for private use up to 20% of the time under current BCDC permit number : - PERMIT NO. 19-85(B) (Issued on March 13, 1986, As Amended through October 7, 1997) AMENDMENT

NO. NINE (Scotts) (Exclusive of Amendment Nos. One through Seven, portions of Amendment Nos. Eight and Nine, and Amendment No. Ten -- aka 1985.019B

In order to illustrate the public views with the Pavilion in its current condition (as of July 2013), an exhibit has been prepared showing how this project (excluding the planters) will affect various public views from locations along Water Street:

The pictures were taken along with the accompanying view corridor graphics are described from the western-most point (close to the Canoe and Kayak retail shop) to the easterly direction adjacent to the Center Basin of the Jack London Square Marina, as follows:

View A shows the Pavilion roof line, but the view of the Estuary is generally obscured by the stacked Kayaks and Kincaid's.

View B is 15 feet to the east of A and provides a view of the Pavilion that is less blocked by stored vessels. The view of the water is filtered by Street furniture, Kincaid's, signs on a bent pole and the Pavilion Structure, railings, planters and the like. From this vantage point, the water of the Estuary cannot be viewed directly as the Estuary is too narrow, so the shoreline is shown beyond (which is in Alameda). Any boats on the estuary would be visible, including the vessel docked in the Marina.

View C is 15 feet to the east of B. This view shows more of the retail building occupied by the Canoe and Kayak operation, the stacked Canoes and Kayaks on racks, the Pavilion's permanent portion of the new wall system on the north, the west edge of Scott's Restaurant. The tables and chairs that are required set up in the Pavilion (during public use), the general Jack London Square street furniture, the railings, the westerly wall of Kincaid's, boats docked. It also shows the back panels of the moveable wall system stacked on the south and west side of the Pavilion (which are approximately in line with the angled south wall of Scott's Restaurant near the public access walkway over the water).

View D is 15 feet to the east of C. This shows all of what C's views are with additional street furniture and street trees in the foreground and the UN Flag pole and marker. From these vantage points, the water in the Estuary is difficult to see but the boats are as well as other marine elements give the visual clue.

View E is 15 feet to the east of D. This view illustrates that the new Pavilion moveable wall system does not (when in open to the public position) block the views of the Estuary; those views are already blocked by the existing Scott's Restaurant.

View F. This view is as far east on the Franklin Street/Water Street intersection as could be provided. This view shows a fuller view of the Pavilion which is filtered and framed by the interior structural supports. Note that temporary traffic barriers are evident.

Box 5.a.3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

The use of the Pavilion for both public and private use should be enhanced with these improvements. In 2012 approximately 20,000 people used the site for private events. In general, during the year, the Pavilion requires approximately 35 full and part-time employees to manage the facility. This includes marketing staff, service staff to manage private functions as well as maintenance staff. The Pavilion is

also used by the general public during the time the Pavilion is not in private use, as tables and chairs are set-up in the Pavilion and it is open to pedestrians to stroll through the area. There are no accurate counts of the number of public using the pavilion when the Pavilion is not in private use as no count is maintained, but with the new tables and chairs and new signs more public use should be expected. Additional signs will be installed to inform the public that the Pavilion is Public when the Pavilion is not in private use.

The Pavilion is one element of Jack London Square which is a retail/entertainment/restaurant/office mixed-use development on the Oakland Waterfront. The Jack London Square project was designed, and parking developed, to meet the parking demand requirements of this mixed use development. Within less than one block there is a 300 stall underground parking garage developed to service the land-uses in the vicinity of the Pavilion, including other retail and restaurants. A valet program also exists at the foot of Broadway and the foot of Franklin Streets. The new wall project would have little to no impact on these general facilities.

Box 5.a.4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Public Pavilion is an accessory and unique facility to the existing development in Jack London Square meeting a multi-use public assembly/event facility requirement. Through the years, working with BCDC - the Port and subsequent private developers created significant new shoreline public access. Since 1995, new public access walkways, piers, and green open spaces as well as plazas have been developed in Jack London Square. The Public Pavilion is located in what was once a surface parking lot that has been transformed into the 23,000 square foot Franklin Plaza, the Pavilion occupies 4,400 square feet of that plaza. Jack London Square at one time in the mid to late 1990's attracted 3 million visitors. That visitor count has suffered in recent years due to vacant retail and poor economy. The Pavilion's use, however has begun to grow after several years in decline. These proposed improvements should keep the Pavilion used at its maximum 20% private use. The Pavilion's continued success will have little additional impact on the areas existing parking or street/vehicle/bicycle/pedestrian access. The cost of maintaining these public plazas and public access areas is offset to a small degree by all the tenants in Jack London Square and the Port, the Pavilion's use adds to the funds used to maintain the high level of maintenance required of the public facilities.

Because of the nature of the Pavilion's use, one time private events are scheduled at the Pavilion, including such activity as weddings, meetings and the like. These one-time events attract a new set of customers, some who have not been to Jack London Square or Oakland for many years if ever. The first-time exposure to this area may help attract future visits to the area. The Pavilion serves as an attractor of first time visitors who hopefully will have a positive experience when visiting this waterfront development. The Pavilion needs to project a more modern and attractive venue to continue its designated purpose.

Attachment C

These are expanded answers to questions Box 5.b -- Application B.
Attachment 5.b

5.b.1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements:

The existing public access improvements within this portion of Jack London Square have been in place in part for nearly 30 years as part of a \$300 million Phase I development program approved for Jack London Square under BCDC permit number 1985-019 A, and are described as follows:

Jack London Square is a mixed-use waterfront entertainment oriented retail/office/hotel center located in a 12 block area generally at the foot of Broadway in Oakland. The project consists of several stand-alone waterfront restaurants that have existed since the early 1950's and included in improvements developed in the 1980's by the Port of Oakland and others as part of the Jack London Square Phase I development. The project consists of several other stand-alone retail buildings and office building with retail space located on the ground floors.

The Phase I development program, outlined in BCDC permit 1985-019 A, included new public access walkways along the water's edge that provide pedestrian access from the foot of Broadway (at a Broadway observation pier) via a pier-constructed walkway that passes between the water and the waterfront side of Scott's restaurant, which then connects to the Franklin Street Plaza (the location of the Public Pavilion). The Franklin Street Plaza is partially constructed on an historic Pier and serves as the entry area to the Kincaid's restaurant and well as provides service access to Kincaid's, Scott's and the Water Street I retail building. The plaza also provides for public access, benches, planters, lighting and landscape concrete pavers as well as railings at the water's edge. The Center basin of the Jack London Square Marina (completed in 2000) borders the plaza on the east and provides views and access to the public portion of the Marina including those docks providing for access to the water by California Canoe and Kayak. Within the Broadway/Franklin area of Jack London Square north of the Water Street walkway is the Broadway Underground Garage which has a capacity of 300 vehicles to service the retail and restaurants located near this area. Valet Parking is provided to both the foot of Broadway and the foot of Franklin Street under the BCDC/Port Vehicle Access Plan (VAP) which regulates traffic and parking in Jack London Square. These proposed improvements within the public access area are described in this application, which addresses the storage needs for the Public Pavilion, the need to create a breezeway for when the Public Pavilion is in private use, and planters that will serve as a decorative feature and as protection for the Public Pavilion wall system. These improvements are part of a larger project to enhance the Public Pavilion so that it is a more functional and attractive facility.

These combined improvements are designed to enhance the public enjoyment of the Plaza by providing more public use of the plaza because of the ease of transitioning the Pavilion from public to private use and then back to public use.

The improvements to the Pavilion that are contemplated in this application have little to no effect on the existing public access for the entire Jack London Square area.

2. Describe how the public access area and facilities would be accessible to disabled persons.

Jack London Square was designed under the most current ADA laws at the time, and when upgrades or improvements are made ADA access is updated to provide access under the most current regulations, including ADA access to the Jack London Square Marina. All restaurants and Parking comply with current ADA regulations. All of the public access areas are open to disabled persons and at street level.

3. Describe the proposed connections to existing public streets or offsite public pathways.

All connections to existing public streets and the City of Oakland Street Grid remain unchanged as a part of this project and are covered under conditions and restrictions provided in the VAP.

4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.

The applicant has supplied a document to be reviewed and approved by BCDC which will permanently guarantee the public access for the Public Pavilion. The area is maintained under the Port Agreement with Scott's restaurant under a lease, for which a copy has been provided to BCDC. There are also agreements in place among the Port and the current Jack London Square Developer as well as the Management company to create a Common Area Maintenance (CAM) plan, which has been in existence since 1995. Tenants are assessed a CAM fee which is used to maintain the common areas and landscaping/lighting.

5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

The upland project area is completely urbanized and not a habitat area for species or wildlife. Public access to the site is not likely to have the potential to adversely affect wildlife.

Environmental Impact Documentation

(must be completed by all applicants)- attachment

(Application B)

Box 8. A

Categorical Exemptions under the California Environmental Quality Act.

Please note that the City of Oakland has land-use jurisdiction for development in Jack London Square and that the City will certify or require any additional CEQA documentation. However, our proposed determination recommendation is as follows:

This project would be considered exempt from CEQA under several categorical exemptions.

Class 1 (“existing facilities”): Section 15301 of the CEQA Guidelines exempts the “minor alteration of existing public or private structures”. This exemption includes “exterior alterations involving such things as interior partitions”. (Section 15301(a).) This project qualifies for this exemption because it is a minor change from one door system (vinyl door system) to another door system (permanent door system). This exemption also includes “[a]dditions to existing structures” that do not result in an increase of more than 50 percent of the floor area or 10,000 square feet (with exceptions not relevant here). (Section 15301(e).) This project also qualifies for this exemption because it increases the area of the approximately 4,000 sf Pavilion by only 3.22 sf, which is much less than the limit of 50 percent of 10,000 square feet.

Class 2 (“replacement or reconstruction”): Section 15302 of the CEQA Guidelines exempts “replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced”. This exemption applies here because this project replaces one door system, which allows ingress and egress, with another door system with the same purpose and limits.

Class 3 (“new construction or conversion of small structures”): Section 15303 of the CEQA Guidelines exempts “small facilities and structures”, including “[a]ccessory (appurtenant) structures”. (Section 15303(e).) This exemption applies here because this project is for a relatively small, door system that is appurtenant to the Pavilion.

Class 11 (“accessory structures”): Section 15311 exempts “minor structures accessory to (appurtenant to) existing commercial ... facilities”, including “temporary use items ... in generally the same locations from time to time in ... facilities designed for public use”. (Section 15311(c).) This exemption applies here because this project is for a minor door system that will be closed from time to time in generally the same location as the existing door system in the public Pavilion.

PUBLIC PAVILION

Jack London Square
Oakland, California

SCOPE OF WORK:

Proposed Permanent
Entry/Exit door



INDEX:

- A.0.1 VICINITY MAP
- A.0.2 RENDERINGS
- A.0.3 PUBLIC ACCESS AND OPEN SPACE PLAN
- A.1 PLAN VIEW PAVILION PRIVATE AND PUBLIC USE OVERALL ELEVATION
- A.2 DOOR ELEVATION & DETAIL
- A.3 VIEW CORRIDOR PLAN

Presented by:

Steven Hanson, Consultant,
Scott's Seafood Restaurants

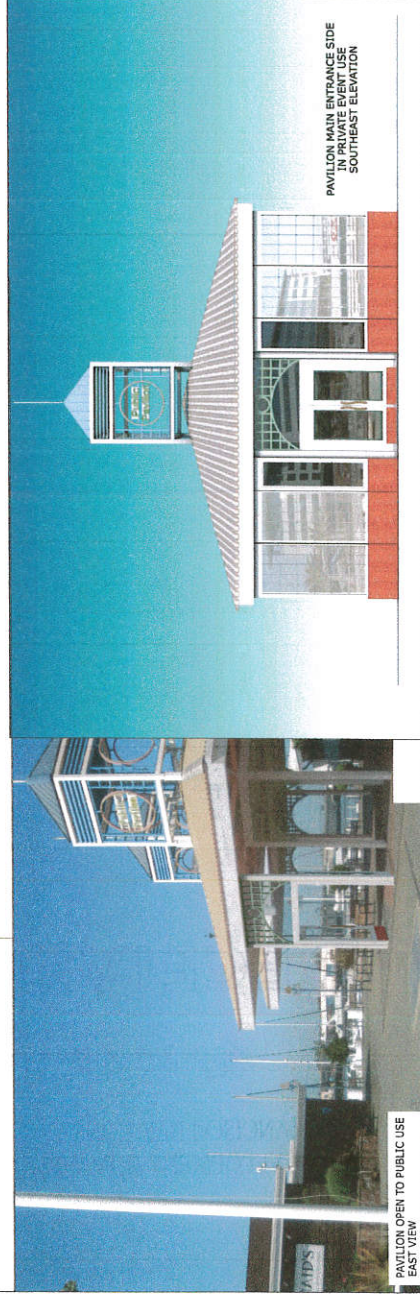
Steve Fagalde, President,
Scott's Seafood Restaurants

Drawn by:

Juan Rubio
RUBIO BOWDEN DESIGN



VICINITY MAP



PAVILION OPEN TO PUBLIC USE
EAST VIEW

PAVILION MAIN ENTRANCE SIDE
IN PRIVATE EVENT USE
SOUTHEAST ELEVATION

JOB #	00132
DATE	07/29/2013
REVISIONS	
DATE	
BY	

VICINITY
MAP

RENDERINGS

SCALE: 1/4" = 1'-0"

A.0.1

PAVILION JACK LONDON SQUARE

DATE	00.12
REVISIONS	
DATE	
BY	

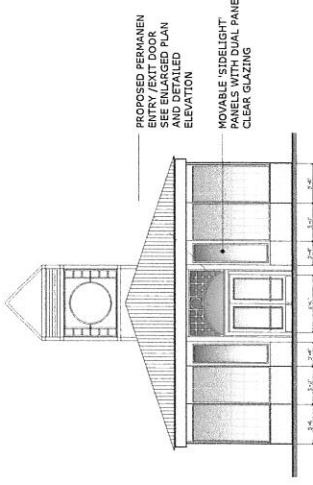
MAIN ENTRY
DOOR FLOOR
PLAN

WITH PANELS IN
PRIVATE AND
PUBLIC USE
POSITION
OVERALL
ELEVATION

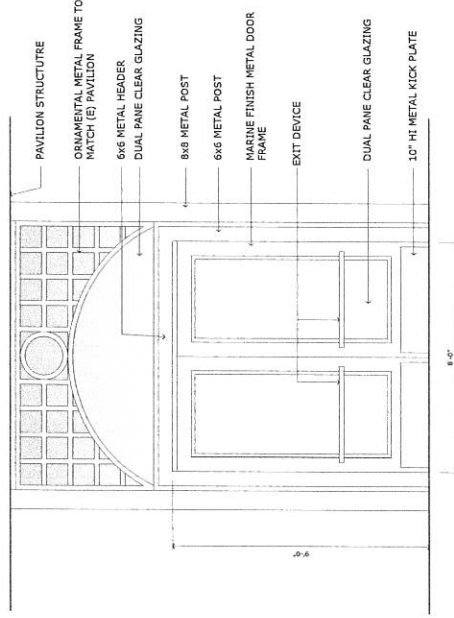
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A.1

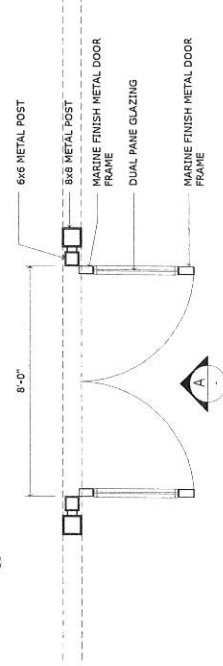
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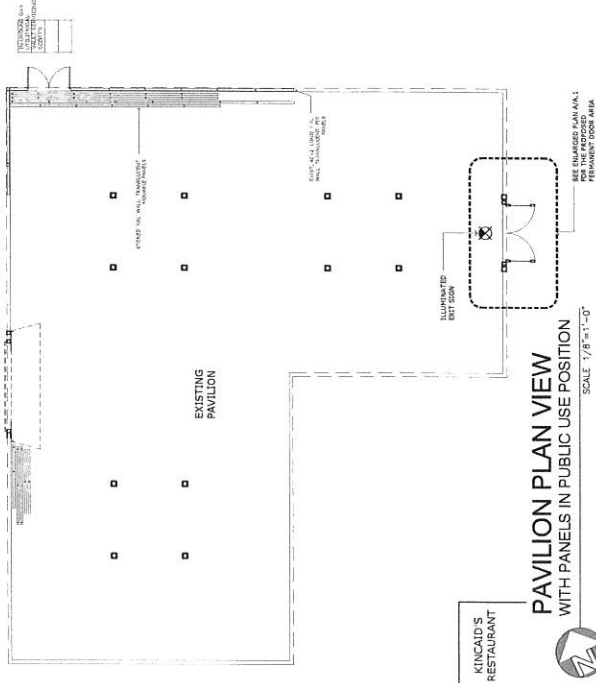
1 PAVILION MAIN ENTRANCE SIDE
IN PRIVATE EVENT USE - SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



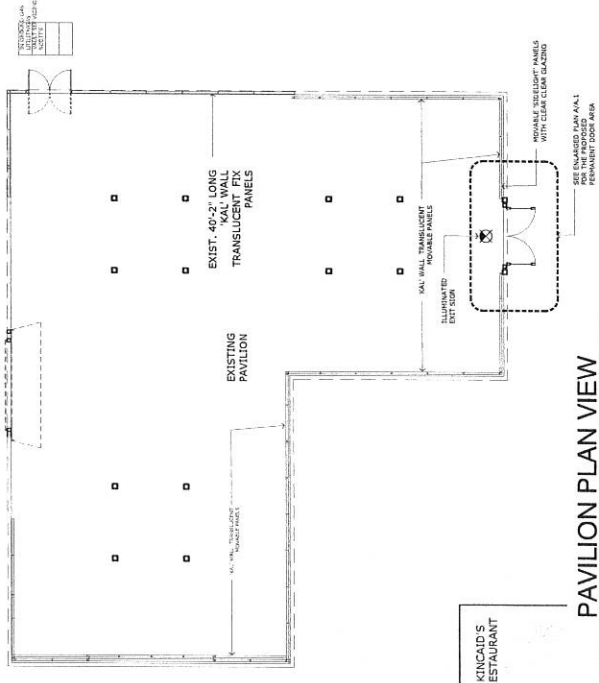
A DOOR ELEVATION
SCALE: 1/8" = 1'-0"



ENLARGED ENTRY DOOR PLAN
SCALE: 1/2" = 1'-0"



PAVILION PLAN VIEW
WITH PANELS IN PUBLIC USE POSITION
SCALE: 1/8" = 1'-0"



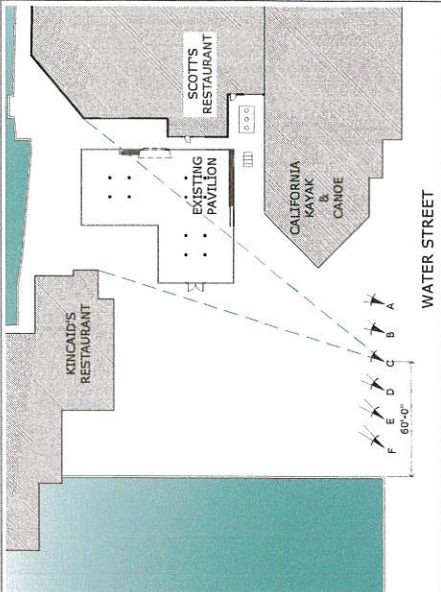
PAVILION PLAN VIEW
WITH PANELS IN PRIVATE USE POSITION
SCALE: 1/8" = 1'-0"

PAVILION

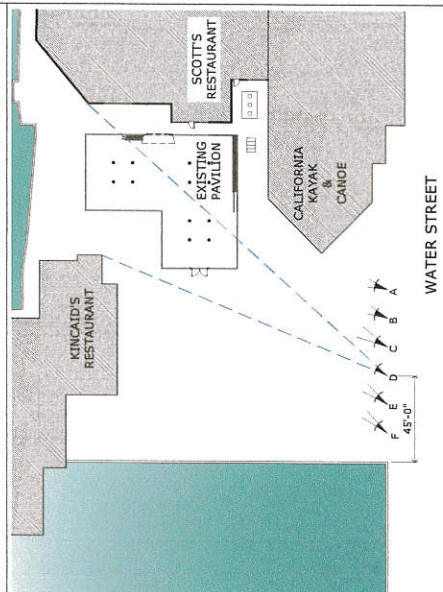
JACK LONDON SQUARE

200 N. 10012	DATE: 07/24/2013	REVISIONS:
		BY:
		DATE:

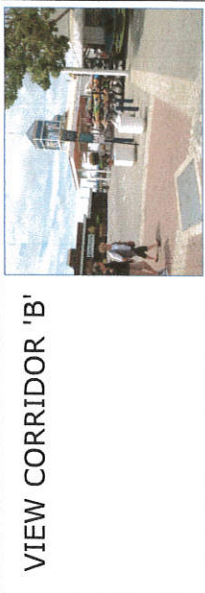
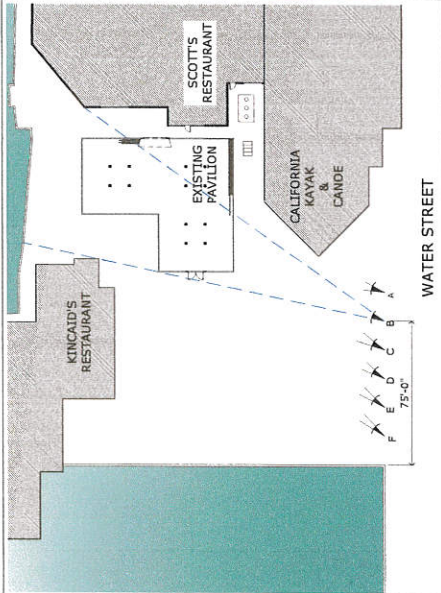
VIEW CORRIDOR PLAN



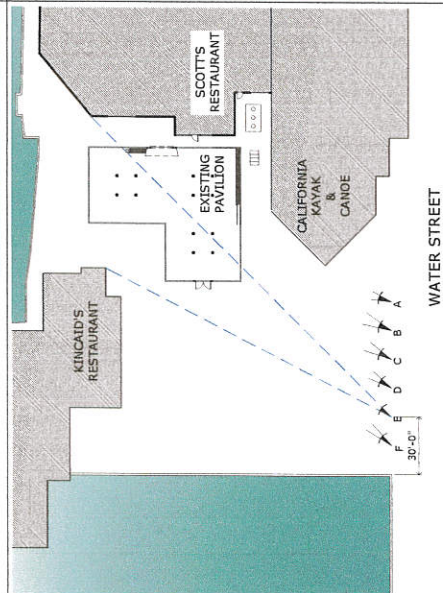
VIEW CORRIDOR 'C'



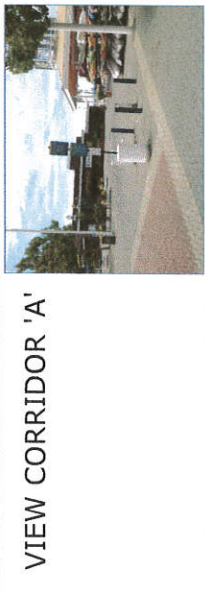
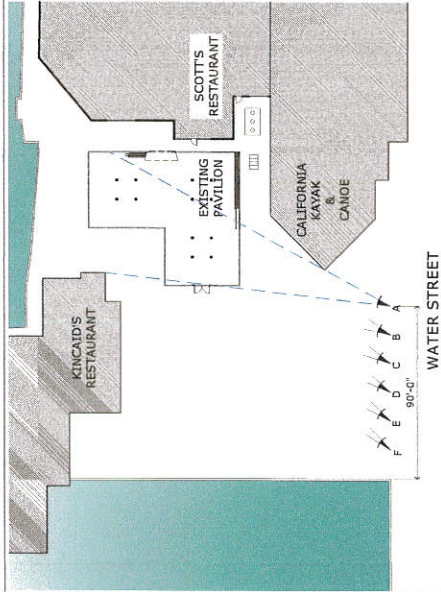
VIEW CORRIDOR 'D'



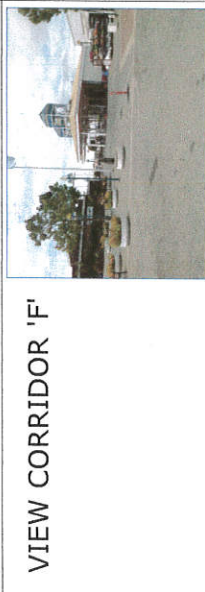
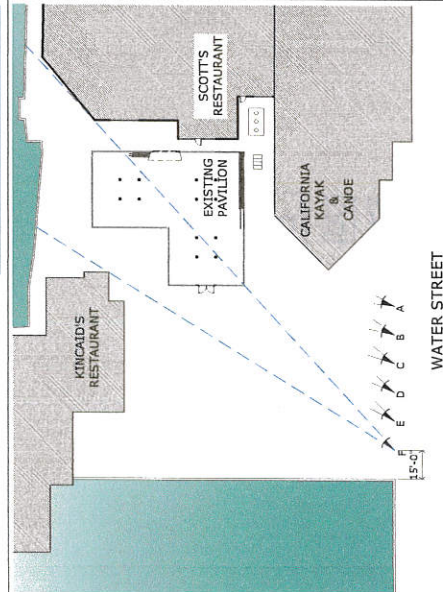
VIEW CORRIDOR 'B'



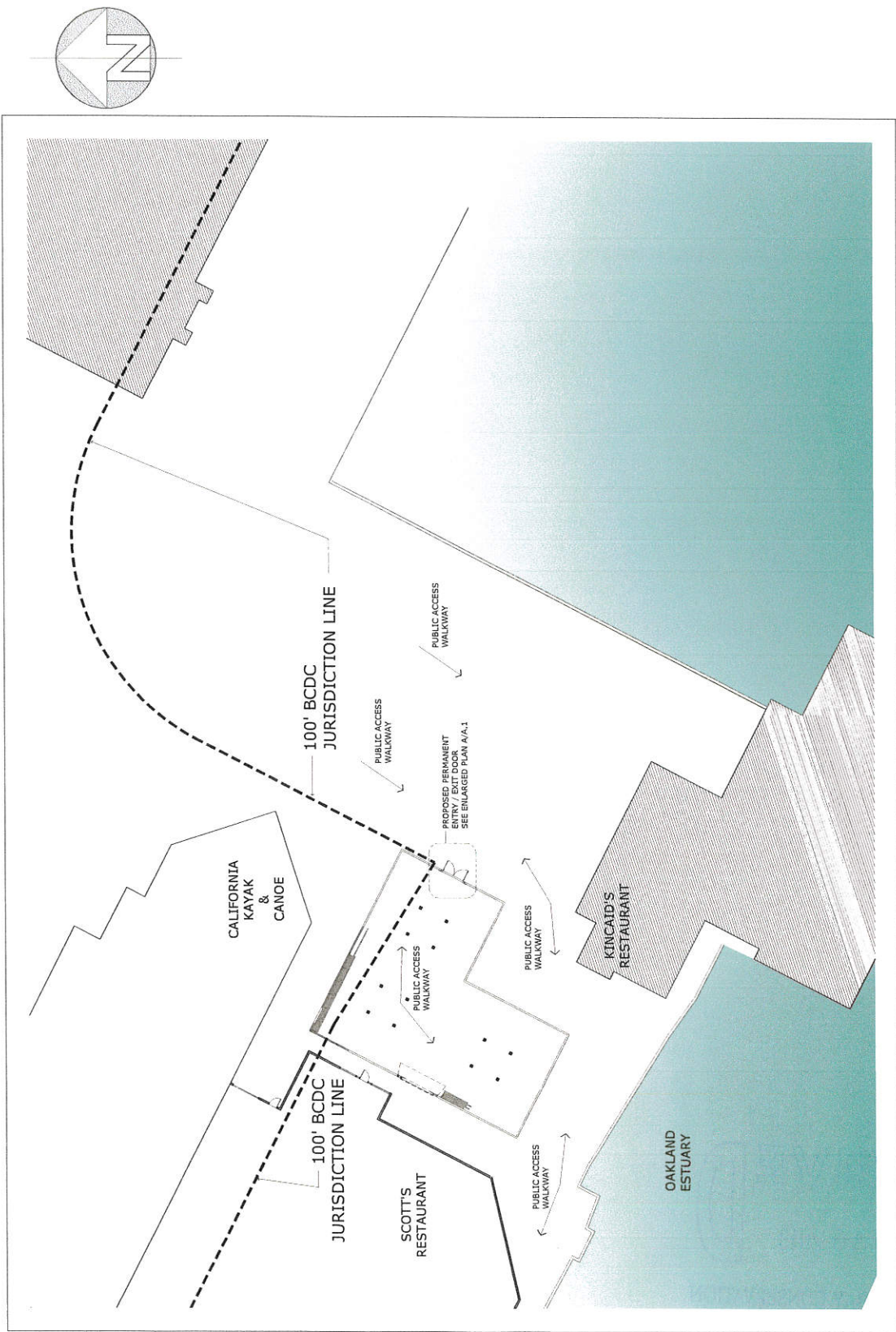
VIEW CORRIDOR 'E'



VIEW CORRIDOR 'A'



VIEW CORRIDOR 'F'



PUBLIC ACCESS AND OPEN SPACE PLAN
scale: 1/16" = 1'-0"

Reset

Print

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

RECEIVED
SEP 30 2013

BCDC Application Form

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Amendment to BCDC Permit
19-85(B) Amendment 11

For BCDC Use Only
Application number 1985.019.11B
Fee: _____

Application Note: permanent Doors Public Pavilion
(Application B)

Checklist of Application Requirements (For Applicant's Use)

	Major Permit	Administrative Permit	Regionwide Permit
<input checked="" type="checkbox"/> Application Form	One fully completed and signed original and seven copies	One fully completed and signed original	One fully completed and signed original
<input checked="" type="checkbox"/> Large Scale Project Site Plan	One copy	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Project Site Plan	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Public Access and Open Space Plan	Seven copies	One copy	None
<input checked="" type="checkbox"/> 8.5"x11" Vicinity Map	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> Proof of Legal Property Interest	One copy	One copy	One copy
<input checked="" type="checkbox"/> Local Government Discretionary Approval	One copy	One copy	None
<input checked="" type="checkbox"/> Environmental Documentation	One copy of environmental determination and EIR or EIS Summary	One copy of environmental determination	None
<input type="checkbox"/> N/A Water Quality Certification/Waiver	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Dept. of Toxic Substances Control Approval	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Biological Opinion/Take Authorization from state and federal agencies	One copy, if applicable	One copy, if applicable	Not applicable
<input checked="" type="checkbox"/> Application Processing Fee	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M
<input checked="" type="checkbox"/> Notice of Application*	Posted at project site	Posted at project site	Posted at project site
<input checked="" type="checkbox"/> Certification of Posting the Notice of Application*	One signed original returned to BCDC	One signed original returned to BCDC	One signed original returned to BCDC

*BCDC staff will provide the forms for posting the Notice of application and the Certification.

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resources Code.
Reference: Sections 65940-65942, 66605, 66632(b) and (f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.

Box 1

Property Ownership and Applicant Information (must be completed by all applicants)

a. APPLICANT:

☐ Owns
project
site

☒ Leases
project
site

☐ Homeowner
Association
owns/will own

☐ Other Property Rights: _____

Name/Title: Scott's Jack London Seafood, Inc

Address: 255 3rd Street, Suite 102

City, State, Zip: Oakland, CA 94607

Telephone: (510) 302-0999 Fax: (510) 302-0995

Email: stevelf@scottscorp.com

APPLICANT'S REPRESENTATIVE: ☐ None

Name/Title: John Briscoe, Attorney (S.Hanson consultant)

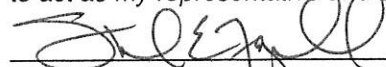
Address: 155 Sansome Street

City, State, Zip: San Francisco, CA 94104

Telephone: (415) 402-2701 Fax: (415) 398-5630

Email: jbriscoe@briscoelaw.net

I hereby authorize John Briscoe, Attorney at Law (Briscoe, Ivester & Bazel, LLP)
to act as my representative and bind me in all matters concerning this application.


Signature of Applicant

Stephen E Fagalde
Print Name

09/24/2013
Date (mm/dd/yyyy)

b. CO-APPLICANT:

☒ Owns
project
site

☐ Leases
project
site

☐ Homeowner
Association
owns/will own

☐ Other Property Rights: _____

Name/Title: Port of Oakland

Address: 530 Water St.

City, State, Zip: Oakland, Ca 94607

Telephone: (510) 627-1184 Fax: (510) 465-3755

Email: rsinkoff@portoakland.com

CO-APPLICANT'S REPRESENTATIVE: ☐ None
Richard Sinkoff, Director Environmental Programs

Name/ Title: Planning

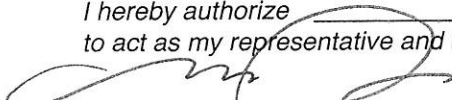
Address: 530 Water Street

City, State, Zip: Oakland, CA 94607

Telephone: (510) 627-1184 Fax: (510) 465-3755

Email: rsinkoff@portoakland.com

I hereby authorize
to act as my representative and bind me in all matters concerning this application.


Signature of Co-Applicant

RICHARD SINKOFF
Print Name

9-24-2013
Date (mm/dd/yyyy)

c. PROPERTY OWNER: ☒ Same As Applicant or Co-Applicant

OWNER'S REPRESENTATIVE: ☐ None

Name/Title: _____

Name/Title: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Telephone: _____ Fax: _____

Email: _____

Email: _____

I hereby authorize
to act as my representative and bind me in all matters concerning this application.

Signature of Owner

Print Name

Date (mm/dd/yyyy)

(Box 1, Property Ownership and Applicant Information, continued)

- d. Provide documentation of property interests, such as a copy of a grant deed, lease or easement, and Conditions Covenants and Restrictions, for a homeowner's association, that demonstrates that the owner or applicant has adequate legal interest in the property to undertake the proposed project. See Commission regulations Appendix F for complete details.

e. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

The following contributions of more than \$250 were made by the applicant or applicant's representative to a BCDC commissioner or commissioner's alternate in the preceding twelve months to support the commissioner's or alternate's campaign for election to a local, state or federal office.

Contribution Made To:	Contribution Made By:	Date of Contribution:
_____	_____	_____
_____	_____	_____

☒ No such contributions have been made.

f. CERTIFICATION OF ACCURACY OF INFORMATION AND AUTHORIZATION TO INSPECT:

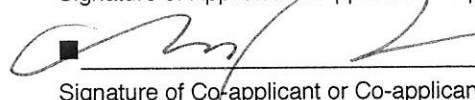
I hereby certify under penalty of perjury that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission. I further agree that the Commission staff may, with 24 hours notice, inspect the project site while this application is pending.

■ 

Signature of Applicant or Applicant's Representative

09.24.2013

Date (mm/dd/yyyy)

■ 

Signature of Co-applicant or Co-applicant's Representative

9-24-2013

Date (mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date(mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date (mm/dd/yyyy)

Box 2

Total Project and Site Information (must be completed by all applicants)

- a. Project Street Address: 2 Broadway
- b. City, County, Zip: Oakland, CA 94607
- c. Assessor's Parcel Number(s): 18-415-5 (Portion thereof)
37°47' 38.32" N 122°16' 35.34" W
- d. Latitude: _____ Longitude: _____
- e. Previous BCDC permit number(s) for work at this site: 1985.019B
- f. Project Name: Public Pavilion - (Replacement Door on South entry Amendment Application)
- g. Brief Project Description: Installation of permanent door and door frame on the south wall of the main Pavilion entryway. This is an amendment for Permit 1985.019B only
- h. Date work is expected to begin: March 2013
Date work is expected to be completed: August 2013
- i. Total Project Cost: \$ \$50,000, Includes only door system
- j. Length of shoreline on the project site: 75 (for Pavilion portion) feet
- k. Length of shoreline at adjacent property owned or controlled by the applicant: _____ feet
3, 818.75 (new door occupies 3.22 sf)
- l. Approximate size of project site within BCDC's "shoreline band" jurisdiction: 581.25 sf are outside of band square feet
- m. Approximate size of project site within BCDC's "Bay" or "certain waterway" jurisdiction: N/A square feet
- n. Approximate size of project site within BCDC's managed wetland or salt pond jurisdiction: N/A square feet
- o. Approximate size of project site within the Suisun Marsh: N/A square feet
- p. Approximate size of project site outside of BCDC's jurisdiction: N/A square feet
- q. Approximate total size of project site (including areas outside BCDC's jurisdiction): 4,400 sq.ft.(total project) square feet
- r. Area of total project site reserved for non-public access uses: N/A (door is 3.22 sf of site) square feet
4,400 sq. ft. (per permit requirements)
- s. Area of total project site reserved for public access: _____ square feet
- t. Does the project involve development within the primary management area of the Suisun Marsh?
☐ Yes ☒ No

If "Yes," provide any relevant duck club number(s): N/A

(Box 2, Total Project and Site Information, continued)

Please note that this application addresses the Pavilion Emergency Exit door system only which occupies at its base 3.22 sf. The totals below address the full Pavilion Site under the Pavilion Roof

u. Project Details. Complete all that apply.

Proposed Elements of the Project	In BCDC's Bay, Certain Waterway, Managed Wetlands or Suisun Marsh Jurisdiction*	In BCDC's Shoreline Band jurisdiction	Outside BCDC's jurisdiction	Totals
1. Structures	_____sq.ft.	3,818.70sq.ft.	581.30sq.ft.	4,400sq.ft.
2. All Roads, Parking, Pathways, Sidewalks	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
3. Number of Parking Spaces:				
4. All Landscaping	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
5. Left undeveloped	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
6. Shoreline Protection	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
7. Piers, docks and other marine-related purposes	_____sq.ft.	_____sq. ft.	_____sq.ft.	0sq.ft.
8. Areas used for other purposes (specify)	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
Totals:	0sq.ft.	3,818.70sq.ft.	581.30sq.ft.	4,400sq.ft.

* If project will occur in more than one of these jurisdictions, provide the requested information for each area separately.

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.
2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.
3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.
4. Endangered or Threatened Species.
 - a. Identify any known threatened or endangered species, or any species that the California Department of Fish and Game or a federal wildlife agency has determined are candidates for listing as threatened or endangered species, or any species that provide substantial public benefits that may be found at the project site.
 - b. Provide any "biological opinion" issued by a state or federal agency as the result of an endangered species consultation.
 - c. Provide any "take" authorizations issued by the state or federal resource agencies.
5. Identify any subtidal areas that are scarce or that have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).
6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.
7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.
8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.
9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.
10. **PROJECT PLANS:** Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay). **See also Appendix F for details.**

Box 3

Fill Information

("Fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. Gov. Code Section 66632(a))

a. Complete this box if fill would be placed in any of these areas (check all those that apply):

- ☐ San Francisco Bay ☐ Salt pond ☐ Managed wetland ☐ "Certain waterway"
- ☐ Primary management area of the Suisun Marsh Other: _____

b. Surface area of tidal and subtidal property to be covered with fill: _____ square feet

c. Total volume of solid fill to be placed in tidal and subtidal areas: _____ cubic yards

d. **Type of Fill.** Surface area of proposed:

Solid fill: _____ square feet

Floating fill: _____ square feet

Pile-supported fill: _____ square feet

Cantilevered fill: _____ square feet

Total area to be filled: square feet

e. **Types of Areas to be Filled.** Of the total area to be filled, what is the footprint of fill that would be placed in:

Open water: _____ square feet

Tidal marsh: _____ square feet

Tidal flat: _____ square feet

Salt pond: _____ square feet

Managed wetlands in the primary management area of the
of the Suisun Marsh: _____ square feet

Other managed wetlands: _____ square feet

f. Area on new fill to be reserved for:

Private, commercial, or other non-public-access uses: _____ square feet

Public access: _____ square feet

(Box 3, Fill Information, continued)

g. INFORMATION REGARDING FILL (PROVIDE IN AN ATTACHMENT):

1. Provide dimensions of portions of all structures to be built on new fill, including length, width, area, height and number of stories.
2. Provide one or more photographs of existing shoreline conditions.
3. Explain the purpose of fill in the Bay, salt pond, managed wetland, certain waterway, or Suisun Marsh considering that the Commission can approve new fill for only five purposes: (a) accommodating a water-oriented use; (b) minor fill for improving shoreline appearance; (c) minor fill for providing new public access to the Bay; (d) accommodating a project that is necessary to the health, safety, or welfare of the public in the entire Bay Area; and (e) accommodating a project in the Suisun Marsh that is consistent with either: (1) the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan; or (2) the Suisun Marsh Local Protection Program.
4. Explain:
 - (a) what possible impacts the fill would have on the Bay Area, including impacts on: (1) the volume of Bay waters, on Bay surface area, or on the circulation of Bay water; (2) water quality; (3) the fertility of marshes or fish or wildlife resources; and (4) other physical conditions that exist within the area, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance; and
 - (b) how the nature, location, and extent of the fill would minimize possible harmful conditions or effects to the Bay.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.
6. Explain: (a) why the fill would be the minimum amount necessary; and (b) why there is no alternative upland location for the project that would avoid the need for Bay fill.
7. If the fill is to be used for improving shoreline appearance or providing new public access to the Bay, explain why it is physically impossible or economically infeasible to accomplish these goals without filling the Bay.
8. Explain how the fill would result in a stable and permanent shoreline.
9. Explain the steps that would be taken to assure that the project will provide reasonable protection to persons and property against hazards of unstable geologic or soil conditions, of sea level rise, or of flood or storm waters.
10. Provide the names, addresses, and telephone numbers of any licensed geologists, engineers, or architects involved in the project design who can provide technical information and certify the safety of the project.
11. Describe in detail the anticipated impacts of the fill on the tidal and subtidal environment, and describe how these impacts would be addressed or mitigated, and explain how the public benefits of the project would clearly exceed the public detriment from the loss of water area, tidal marsh or tidal flats.
12. For marina projects, indicate how many berths, if any, are to be made available for live-aboard boats and explain how these live-aboard boats would contribute to public trust purposes.
13. For tidal, subtidal and other wetland restoration projects, including mitigation projects: (a) identify specific long-term and short-term biological and physical goals; (b) identify success criteria; (c) provide a monitoring program intended to assess the success and sustainability of the project; (d) include an adaptive management plan with corrective measures, if needed, to achieve success and sustainability; and (e) identify the provisions for long-term maintenance, as required by the Bay Plan policies on Mitigation, Tidal and Subtidal Areas. The Commission's laws and policies may be found at www.bcdc.ca.gov in the digital library.

Box 4

Shoreline Band Information

("Shoreline band" means the land area lying between the Bay shoreline and a line drawn parallel to and 100 feet from the Bay shoreline. The Bay shoreline is the Mean High Water Line, or five feet above Mean Sea Level in marshlands.)

- a. Does the project involve development within the 100-foot shoreline band around San Francisco Bay?

☒ Yes ☐ No

If "Yes," complete this box.

- b. Types of activities to be undertaken or fill, materials or structures to be placed within the shoreline band:

This project is to build a permanent door system within the shoreline band. That system consists of a small (3.22sf) concrete support system anchored to the ground, two tubular steel columns extending upwards from that support system and connecting to the Pavilion's roof structure, a cross member, glass and lattice work, and moveable door panels.

- c. Would the project be located within a priority use area designated in the San Francisco Bay Plan?

☐ Yes ☒ No

The Bay Plan and Maps that depict priority use areas can be viewed in the digital library at www.bcdc.ca.gov.

If "No," go to section (d). If "Yes," please indicate which priority use the area is reserved for: _____

Would the project use be consistent with the priority use for which the site is reserved?

☐ Yes ☐ No ☐ Not Applicable

If "Yes," go to section (d). If "No," attach an explanation of how the project can be approved despite this inconsistency.

- d. Total shoreline band area: _____ Within project site: 22,418 square feet
- To be reserved for private, non-public access uses: _____ (See note 4.d below) square feet
- To be reserved for public access: _____ (See note 4.d below) square feet

- e. **INFORMATION ABOUT WORK PROPOSED IN THE SHORELINE BAND (PROVIDE IN AN ATTACHMENT):**

1. Provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories.
2. Provide one or more photographs of existing conditions within the 100-foot shoreline band.

Note 4.d (above)- The Pavilion area, along with the 23,000 sf of the Franklin Plaza, is dedicated open space with the exception of the 4,400 sf Public Pavilion which can be closed up to 20% of each year for private purposes. These are the conditions of both Existing Permit 1985.019B and 1985.019.20A. This application addresses the main entry door which must maintain a public space emergency fire door.

Box 5

Public Access Information (must be completed by all applicants)

a. PUBLIC ACCESS DETAILS:

1. Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

☒ Yes ☐ No

If "Yes" attach a description of the existing public access and views at these areas.

Please see attached Elevation A.3., Proposed (safety exit door) project has minimal impact to views

If "No," explain what is preventing public access to, or views of, the shoreline.

2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.

Views and public access would not be significantly adversely affected. (See also attachment.)

3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

This project enhances the visual attractiveness and fire safety of the Pavilion, which will likely increase public use.

4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Pavilion attracts up to 20,000 visitors per year and enhances opportunities for additional visits because it provides a unique venue for public as well as private events.

5. Do public safety considerations or significant use conflicts make it infeasible to provide new public access to the shoreline on the project site?

☐ Yes ☒ No

If "Yes," describe the public safety considerations or significant use conflicts that make it infeasible to provide public access at the project site and either: (1) identify an offsite area where public access to the shoreline is proposed as part of the project and describe the proposed public access area and improvements at that location; or (2) explain why no offsite public access is proposed as part of the project.

(Box 5, Public Access, continued)

6. Dimensions of the public access areas: ☒ None Proposed No significant change in public access

	Existing	Proposed
Total public access area including areas outside the Commission's jurisdiction:	23,000 square feet	4,400 is closed to public access up to 20% of time, per permit requirements, when Pavilion is in Private use (however faster transition could reduce transition time) square feet
Public access within Commission's shoreline band jurisdiction:	23,000 square feet	square feet
	75 lf linear feet	75 lf linear feet
	27 ft average width	27 ft average width
Public access pathways, sidewalks in the shoreline band:	Public access in the shoreline band consists of an existing plaza (Franklin Street Plaza) that connects Franklin Street, Water Street and a public walkway to the 23,000 sf plaza square feet	
	Approx. 214 lineal feet from the southern edge of Water Street and Franklin Street to the shoreline pier railing. linear feet	linear feet
	Approx. 23 feet when in Private use, 85 feet when in public use average width	average width
Public access area, landscaping in the shoreline band:	Landscaping consists of planter boxes adjacent to existing structures and large concrete planters placed inside the plaza area and are typical of retail oriented mixed-use urban projects square feet	
Public access on fill within Commission's Bay, certain waterway, and managed wetlands jurisdiction:	The project does not alter existing shoreline, there is no new fill or pier construction	
	square feet	square feet
	linear feet	linear feet
	average width	average width
Public access on piers or decks over water/wetlands:	The project does not alter existing shoreline, there is no new fill or pier construction	
	square feet	square feet
	linear feet	linear feet
	average width	average width
View Corridor(s):	approximately 15,935 sq. ft. square feet	square feet
	approximately 214 linear ft. linear feet	linear feet
	approximately 85 feet. average width	average width
Public Access Parking:	There are approximately 1,300 public paid parking stalls in the area west of Franklin Street. stalls	stalls
	There is no new parking for this project.	

b. ADDITIONAL PUBLIC ACCESS INFORMATION (PROVIDE IN AN ATTACHMENT): See Attached information

1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements.
2. Describe how the public access area and facilities would be accessible to disabled persons.
3. Describe the proposed connections to existing public streets or offsite public pathways.
4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.
5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

Box 6

Dredging and Mining Information

- a. Complete this box if the project involves mining, dredging or the disposal of dredged material in any of the following areas.

☐

San Francisco Bay

☐

Salt pond

☐

Managed wetland

☐

"Certain waterway"

☐

Primary management area of the Suisun Marsh

☐

Other: _____

- b. Are you submitting a separate application to the Dredged Material Management Office (DMMO)?

☐

Yes

☐

No

If "Yes," attach a copy of that application; it is not necessary to complete this Box. If "No," complete this box.

- c. Type of activity:

☐

Maintenance Dredging

New Dredging

Mining

- d. Method of dredging or mining: _____

- e. Total volume and area of material to be dredged or mined from:

Open waters: _____ cubic yards _____ square feet

Tidal marshes: _____ cubic yards _____ square feet

Tidal flats: _____ cubic yards _____ square feet

Salt ponds: _____ cubic yards _____ square feet

Managed wetlands in the primary management area of the Suisun Marsh:

_____ cubic yards _____ square feet

Other managed wetlands:

_____ cubic yards _____ square feet

Subtidal areas that are scarce or have an abundance and diversity of fish,
other aquatic organisms and wildlife, such as eelgrass beds and sandy deep water:

_____ cubic yards _____ square feet

Other (specify):

_____ cubic yards _____ square feet

- f. Are knockdowns proposed as part of the dredging project?

☐

Yes

☐

No

Number of knockdowns: _____

Volume per knockdown event: _____

cubic yards

(Box 6, Dredging and Mining Information, continued)

g. Location(s) where dredged or mined material will be deposited: _____

h. Total volume of dredged material to be disposed: cubic yards

Beneficially re-used: cubic yards

i. Estimated future maintenance dredging required annually: _____ cubic yards

j. For dredging projects:

Proposed design depths (MLLW): (1) _____ (2) _____ (3) _____

Proposed over-depth dredging (+ feet): (1) _____ (2) _____ (3) _____

Number of dredging episodes: _____

k. Does this project have an annual average dredging average of 50,000 cubic yards or less?

☐ Yes ☐ No

I. ADDITIONAL INFORMATION (PROVIDE IN AN ATTACHMENT):

1. If the dredged material is to be disposed of in the Bay, explain why the material cannot feasibly be beneficially re-used or disposed of in the ocean, upland, or inland outside of the Commission's jurisdiction.
2. Provide the results of testing for biological, chemical or physical properties of the material to be dredged.
3. Provide a copy of a water quality certification or waste discharge requirements for the dredging or disposal of dredged material from the San Francisco Bay Regional Water Quality Control Board.
4. Identify local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic vegetation; and (e) the Bay's bathymetry.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.

Box 7

Information on Government Approvals (must be completed by all applicants)

	Required YES NO	Type of Approval	Date Approval Expected/Received	Agency Contact and Phone Number
Local Government Discretionary Approval(s):	<input checked="" type="checkbox"/> <input type="checkbox"/> Yes No	**Building and Planning		City of Oakland 510-238-3911
State Lands Commission:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Regional Water Quality Control Board:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
		Regional Board Number:		
California Dept. of Toxic Substances Control:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
California Department of Fish and Game Streambed Alteration Permit:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No	**Building Permit from the City of Oakland (as the lead planning agency for the Jack London Square area) will provide additional planning input and will determine final CEQA requirements and building permit requirements.		
DF&G Take Authorization:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Other DF&G Permit:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
U.S. Army Corps Of Engineers:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
		Public Notice Number:		
U.S. Fish and Wildlife Service: Take Authorization	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Biological Opinion:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
NOAA Fisheries Service: Take Authorization	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Biological Opinion	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
U.S. Coast Guard:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Federal Funding:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Other Approval (Specify):				

Box 8

Environmental Impact Documentation (must be completed by all applicants)

- a. Is the project statutorily or categorically exempt from the need to prepare any environmental documentation? ☒ Yes ☐ No
City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements. (Attachment Box 8. A)
- If "Yes," please attach a statement that identifies ar
- b. Has a government agency other than BCDC, serving as the lead agency, adopted a negative declaration or certified an environmental impact report or environmental impact statement on the project? ☐ Yes ☒ No

If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow the Commission to make the necessary findings regarding all applicable policies. The certified document must be submitted prior to action on the permit. City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements. (attachment Box 8 A)

Box 9

Public Notice Information (must be completed by all applicants)

- a. Owners and residents of all properties located within 100 feet of the project site (if more than four, provide the information electronically): **Notice: No residential housing exists in this commercial project area- Building Owners within the Project area are ground lessees, leasing from the Port of Oakland, there are several commercial sub-tenants**

North:

Name: Murasaki Jack London Square
Address: 419 Water St, Oakland, CA 94607
City, State, Zip: (510) 891-9929
murasakijacklondon.com
Telephone: (415) 333-3333

East:

Name: California Canoe & Kayak
Address: Jack London Square, 409 Water St, Oakland, CA 94607
City, State, Zip: (510) 893-7833
Telephone: (415) 333-3333

South:

Name: Kincaid's (Restaurant)
Address: 1 Franklin St, Oakland, California 94607 (510) 835-8600
City, State, Zip: kincaids.com
Telephone: _____

West:

~~West:~~ North
Name: Forge Restaurant
Address: 66 Franklin St, Oakland
City, State, Zip: Oakland, CA 94607
Telephone: 510-268-3200
(415) 333-3333

- b. Other persons known to be interested in this project: ☐ None
(if more than two, provide the information electronically).

Name: Jack London Square Management Offices
Address: 70 Washington Street, Suite 207 Oakland, CA 94607
City, State, Zip: 510.645.9292
Telephone: 510.645.9363 / Fax info@jacklondonsquare.com

Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____
(415) 333-3333

See additional interested contacts on attached pages.

Box 9. Public Notice Information (supplemental)

In addition to those interested parties listed on the form the following are also relevant to other persons (organizations) interested in the project.

Waterfront Coalition

Sandra Threlfall, Executive Director

Waterfront Action

P.O. Box 11456

Oakland, CA 94611

Katherine Gavzy

President

League of Women Voters of Oakland

1305 Franklin Street, Suite 311

Oakland, CA 94612-3222

Jack London District

Association

655 3rd Street, PMB 21

Oakland, CA 94607

(510) 473-JLDA

(510) 473-5532

Email: info@jlida.org

Attachment A

Note: Attachment – to Application for Pubic Pavilion – Permanent Emergency Exit Door – Addendum to Application B rev.9-6-13

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.

The applicant is requesting after-the-fact approval for a replacement wall system for the Public Pavilion. The wall system originally installed on the Pavilion was a plastic/vinyl tent wall system that requires replacement at considerable cost every five years due to wear and tear. That wall system was drafty, energy inefficient, did not provide efficient emergency exit systems, and was visually unattractive. Most significantly, it required four staff members up to four hours to remove and store and an additional four hours to unpack and install the system each time there was a private event.

The replacement wall system is an innovative design-build system using a manufactured product by Kelwall. Kelwall's documentation includes the following statement about its product:

"Kalwall is the most highly insulating, diffuse light-transmitting, structural composite technology in the world. Kalwall has perfected a unique composite fenestration sandwich panel that combines controlled, usable, natural daylight with the ultimate in energy efficiency. Lightweight, shatterproof, and rapidly installed, Kalwall has unrivaled structural integrity." The information on their systems are available at the following website: <http://www.kalwall.com/>

The system at the Public Pavilion consists of approximately 43 individually-designed moveable panels. Each panel is approximately 5 feet wide by 15' high with variations designed for precise fit. Each panel is suspended on specially-designed trolley hangers that roll in a special tubular-track system that surrounds the underside of the exterior structural tubular steel fascia of the Pavilion. The tubular tracks are not visible from outside the Pavilion since they are mounted immediately behind the tubular fascia.

Each wall panel is rolled into place to enclose the Pavilion to provide an insulated and secure system during private events. The panels are rolled back into a stackable wall location when the Pubic Pavilion is in public use. The effort it takes to install the movable walls in private use takes no more than 30 to 45 minutes and when the process is reversed, the same time is necessary. This process saves up to a total of seven hours from the old system. This savings provides a total of approximately seven additional hours of public access to the Pavilion before and after each private event.

When in public use, the panels are stored outside the existing view corridors. These stored locations are adjacent to existing structures that already obscure the view corridor as they are permanent retail buildings or the Scott's restaurant itself. A complete set of plans and illustrations provides a visual concept of the system that has been installed.

2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.

The Pavilion occupies approximately 4,400 square feet of the approximately 23,000 square foot Franklin Street Plaza area. The Plaza is located at the foot of Franklin Street in Jack London Square, and is bordered by the center basin of the Jack London Square marina on the east and the Oakland Estuary on the south, as well as the vacated Water Street on the north. The Franklin Street plaza was converted from the Franklin Street self parking lot in 1985 to the plaza it is today. It is built on landfill that is supported by an historic quay wall. A portion of the plaza is over an historic pier on the south side. The pier has been in place since before 1950. There is no fishing or direct water access available in this area.

In the process of developing Jack London Square, the Port vacated the streets leading into Jack London Square (on the south side of Embarcadero –aka First Street). The Port then installed acres of interlocking concrete

pavers throughout the phase I area of Jack London Square, including the Plaza, consisting of red, white and gray units and creating patterns on the pavement. The Plaza hosts street furnishing including benches, lighting, and many large concrete planters with seasonal vegetation typical in an urban mixed-use retail center. The curbs, gutters, sidewalks, benches, lighting, planters and pavers help blur the distinction between the streets and pedestrian ways, slow traffic, and invite pedestrian access to all areas.

Two restaurants—Scott's and Kincaid's—were constructed in the 1950s on piers over the Oakland Estuary bordering the Plaza on the south and west. The Plaza thus also provides needed service access to those restaurants as well as a public open space with views of the water on both the east and south. The Plaza also allows pedestrian access to Kincaid's front door and the Pavilion and other banquet facilities within Scott's restaurant. The Plaza houses the UN flag and a plaque dedicated to the charter/conference of the UN which took place in San Francisco in 1945. The plaza provides view access along the railing on the east to view the marina and beyond, and it also leads individuals to a public access walkway along the water that wraps along the water side of Scott's restaurant leading west to the Broadway pier and a viewing platform.

3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.

This project will not disturb Bay waters or Bay mud in the area as all work is being carried out on an existing pier and landfill.

The existing condition of the Oakland Estuary adjacent to the Pavilion is subject to typical tidal currents. The average depth immediately off the pier is no more than 15 feet as it is out of the dredged channel. The water column's turbidity appears to be improving as in other parts of the Bay. This part of the Oakland Estuary is subject to significant recreational vessel movement – not nearly as much commercial vessel traffic as once occurred.

4. Endangered or Threatened Species.

No species that are known to be threatened or endangered are known to exist in the project area, or are likely to be adversely affected by this project.

5. Identify any subtidal areas that are scarce or that have abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).

There is no known scarcity of subtidal areas or particular abundance or diversity of marine life at the site.

6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.

There is no opportunity for the project to create additional storm water runoff or release of pollutants. All painting of the new components is to be completed prior to assembly - off site in a specially designed facility. No other changes to the site would enhance or inhibit current controls or create additional water pollution. There are no new areas proposed to be covered by hard surfaces, and no practical method to change or modify rainwater collection or discharge systems. All pavement washing is done with a water collection vacuum system to eliminate polluted runoff.

7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or

vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.

No subsurface disturbance has been created by the construction of the new moveable wall system or improvements discussed in this permit application. There is known subsurface contamination generally located in various areas in Jack London Square as a result of its industrial history. The subsurface soil contamination was mitigated under the supervision of state regulatory authority to the extent required by law when the Phase I portion of the Jack London Square project was developed (including the construction of the Pavilion) which occurred during the period from 1985- 1990. No further environmental exposure to wildlife or humans exists as a result of this project.

8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.

There are no waste discharge requirements as a result of this project or its on-going operations and therefore no approvals under the authority of DTSC or the RWQCB are required.

9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.

Section 66602 of the McAteer-Petris Act requires that projects provide "maximum feasible public access." BCDP issued Scott's Restaurant a permit (Permit No. 19-85(B)) allowing the Pavilion to be closed for private events up to 20 percent of the time each year, finding that this was consistent with BCDP's laws and policies. The permit found that, before the Pavilion was built, the 23,000 sf plaza received "relatively little public use, in part because its primary function is as a service vehicle access to the two restaurants and retail shops". The permit found that the Pavilion "could generate activities in the plaza which do not occur there now because of the existing building and use configuration. The private banquets events may bring people to Jack London Square who would not otherwise visit the shoreline and it may serve as a catalyst for future visits to the Square and will likely generate additional sales for other business."

The most recent recession and economic slowdown have posed the most significant challenge that Jack London Square has ever faced. With 80 % of the retail currently vacant in Jack London Square, the challenges for this development's success have never been greater. The Pavilion project, however, has been a success. It has provided an opportunity to add an additional anchor to the Jack London Square project by successfully attracting patrons and new guests and exposing them – some for the first time – to the Oakland Waterfront. Since its initial operations began in 1996, the Public Pavilion has generated up to as many as 23,000 new visitors to Jack London Square, for banquets, weddings, and other special events.

The new movable wall system installed on the Pavilion serves BCDP policies by further ensuring that the Pavilion will continue to attract the public to the waterfront. The proposed modification to the existing structure contemplates the replacement of one enclosure system used when the Public Pavilion is in private use with a new, more modern, and easier-to-manage enclosure system. The enclosure system that is being replaced required up to four hours to install for each event and four hours to remove and store after each event. The new system enables the Public Pavilion to be converted from public use to private use in no more than 30 to 45 minutes and back to public use with the same effort in reverse. Using this system permits the Public Pavilion to be open to public use up to a total of approximately seven hours longer before and after each private event. That additional public access should attract new patrons to the area and will help the area become a more attractive and useful

civic venue, consistent with BCDC policies.

10. PROJECT PLANS: Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

To be attached.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay).

These boundaries and sight lines remain the same with this project application.

Attachment B

Box 5 – Public Access Information Attachment. App B.

Box 5.a.1.

Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

Answer to above question continues:

The views on the project site exist as follows: The 23,000 sq. ft. Franklin Street Plaza is located at the foot of Franklin Street in Jack London Square which has a turnaround at Water Street. Water Street (which is a pedestrian street providing access to emergency and service vehicles) bisects Franklin Street at the turnaround. Water Street continues perpendicular to Franklin Street and connects with Broadway and Washington Streets on the west and Webster Streets on the east. The views from Water Street (standing at the foot of Franklin Street) include the center basin of the Jack London Square Marina to the east, Kincaid's waterfront restaurant to the immediate south and views of the Oakland Estuary to the west and east of Kincaid's. The view of the Oakland Estuary from the same vantage point towards the west provides an unobstructed 34 foot wide view corridor to the Estuary approximately 80 percent of the time when the Pavilion is open for public use. The authorized pavilion design provides 18 foot wide view corridor though the plaza to the shoreline during private events.

In general, the views of the Oakland Estuary from the foot of Franklin Street are framed or obstructed by Kincaid's on the east, and by Scott's restaurant on the west. When the Pavilion is in public use, a filtered view of the Estuary exists looking past the Pavilion's lattice like support structure. When walking towards the estuary (entering the Franklin Street Plaza) the water's edge is viewed from the Franklin Plaza pier and a walkway, which permits pedestrians to continue along the estuary west towards Broadway. The walkway/ pier constructed on the water side of Scott's leads to a pair of binoculars on the Broadway Pier installed by Scott's.

Vehicle access from downtown Oakland and Highway 880 is available from surface streets, which are listed above. There are two major parking structures that were constructed between Webster Streets and Clay Streets to support the mixed-use retail development including all the public access along the shoreline in Jack London Square.

Box 5.a.2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact

This project's primary purpose is to replace the wall materials of the Pavilion. The old "tent wall" system has been used since the Pavilion began operation in 1986 and is not an efficient or attractive system for converting the Pavilion between private and public use modes. When the new moveable wall system is in private use mode, the wall panels are anchored to the ground with pegs and the new permanent door system is closed. In the event of an emergency during a private event, the door system can be opened.

The new wall system is designed to enhance public access to the area by providing a more attractive and better working system than the tent walls. One of the primary goals of the moveable walls is that it permits faster turnaround from private events and thus allow more public use of the Public Pavilion. The Pavilion is permitted to be closed to the public for private use up to 20% of the time under current BCD permit number : - PERMIT NO. 19-85(B) (Issued on March 13, 1986, As Amended through October 7, 1997) AMENDMENT

NO. NINE (Scotts) (Exclusive of Amendment Nos. One through Seven, portions of Amendment Nos. Eight and Nine, and Amendment No. Ten -- aka 1985.019B

In order to illustrate the public views with the Pavilion in its current condition (as of July 2013), an exhibit has been prepared showing how this project (excluding the planters) will affect various public views from locations along Water Street:

The pictures were taken along with the accompanying view corridor graphics are described from the western-most point (close to the Canoe and Kayak retail shop) to the easterly direction adjacent to the Center Basin of the Jack London Square Marina, as follows:

View A shows the Pavilion roof line, but the view of the Estuary is generally obscured by the stacked Kayaks and Kincaid's.

View B is 15 feet to the east of A and provides a view of the Pavilion that is less blocked by stored vessels. The view of the water is filtered by Street furniture, Kincaid's, signs on a bent pole and the Pavilion Structure, railings, planters and the like. From this vantage point, the water of the Estuary cannot be viewed directly as the Estuary is too narrow, so the shoreline is shown beyond (which is in Alameda). Any boats on the estuary would be visible, including the vessel docked in the Marina.

View C is 15 feet to the east of B. This view shows more of the retail building occupied by the Canoe and Kayak operation, the stacked Canoes and Kayaks on racks, the Pavilion's permanent portion of the new wall system on the north, the west edge of Scott's Restaurant. The tables and chairs that are required set up in the Pavilion (during public use), the general Jack London Square street furniture, the railings, the westerly wall of Kincaid's, boats docked. It also shows the back panels of the moveable wall system stacked on the south and west side of the Pavilion (which are approximately in line with the angled south wall of Scott's Restaurant near the public access walkway over the water).

View D is 15 feet to the east of C. This shows all of what C's views are with additional street furniture and street trees in the foreground and the UN Flag pole and marker. From these vantage points, the water in the Estuary is difficult to see but the boats are as well as other marine elements give the visual clue.

View E is 15 feet to the east of D. This view illustrates that the new Pavilion moveable wall system does not (when in open to the public position) block the views of the Estuary; those views are already blocked by the existing Scott's Restaurant.

View F. This view is as far east on the Franklin Street/Water Street intersection as could be provided. This view shows a fuller view of the Pavilion which is filtered and framed by the interior structural supports. Note that temporary traffic barriers are evident.

Box 5.a.3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

The use of the Pavilion for both public and private use should be enhanced with these improvements. In 2012 approximately 20,000 people used the site for private events. In general, during the year, the Pavilion requires approximately 35 full and part-time employees to manage the facility. This includes marketing staff, service staff to manage private functions as well as maintenance staff. The Pavilion is

also used by the general public during the time the Pavilion is not in private use, as tables and chairs are set-up in the Pavilion and it is open to pedestrians to stroll through the area. There are no accurate counts of the number of public using the pavilion when the Pavilion is not in private use as no count is maintained, but with the new tables and chairs and new signs more public use should be expected. Additional signs will be installed to inform the public that the Pavilion is Public when the Pavilion is not in private use.

The Pavilion is one element of Jack London Square which is a retail/entertainment/restaurant/office mixed-use development on the Oakland Waterfront. The Jack London Square project was designed, and parking developed, to meet the parking demand requirements of this mixed use development. Within less than one block there is a 300 stall underground parking garage developed to service the land-uses in the vicinity of the Pavilion, including other retail and restaurants. A valet program also exists at the foot of Broadway and the foot of Franklin Streets. The new wall project would have little to no impact on these general facilities.

Box 5.a.4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Public Pavilion is an accessory and unique facility to the existing development in Jack London Square meeting a multi-use public assembly/event facility requirement. Through the years, working with BCDC - the Port and subsequent private developers created significant new shoreline public access. Since 1995, new public access walkways, piers, and green open spaces as well as plazas have been developed in Jack London Square. The Public Pavilion is located in what was once a surface parking lot that has been transformed into the 23,000 square foot Franklin Plaza, the Pavilion occupies 4,400 square feet of that plaza. Jack London Square at one time in the mid to late 1990's attracted 3 million visitors. That visitor count has suffered in recent years due to vacant retail and poor economy. The Pavilion's use, however has begun to grow after several years in decline. These proposed improvements should keep the Pavilion used at its maximum 20% private use. The Pavilion's continued success will have little additional impact on the areas existing parking or street/vehicle/bicycle/pedestrian access. The cost of maintaining these public plazas and public access areas is offset to a small degree by all the tenants in Jack London Square and the Port, the Pavilion's use adds to the funds used to maintain the high level of maintenance required of the public facilities.

Because of the nature of the Pavilion's use, one time private events are scheduled at the Pavilion, including such activity as weddings, meetings and the like. These one-time events attract a new set of customers, some who have not been to Jack London Square or Oakland for many years if ever. The first-time exposure to this area may help attract future visits to the area. The Pavilion serves as an attractor of first time visitors who hopefully will have a positive experience when visiting this waterfront development. The Pavilion needs to project a more modern and attractive venue to continue its designated purpose.

Attachment C

These are expanded answers to questions Box 5.b -- Application B.
Attachment 5.b

5.b.1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements:

The existing public access improvements within this portion of Jack London Square have been in place in part for nearly 30 years as part of a \$300 million Phase I development program approved for Jack London Square under BCDC permit number 1985-019 A, and are described as follows:

Jack London Square is a mixed-use waterfront entertainment oriented retail/office/hotel center located in a 12 block area generally at the foot of Broadway in Oakland. The project consists of several stand-alone waterfront restaurants that have existed since the early 1950's and included in improvements developed in the 1980's by the Port of Oakland and others as part of the Jack London Square Phase I development. The project consists of several other stand-alone retail buildings and office building with retail space located on the ground floors.

The Phase I development program, outlined in BCDC permit 1985-019 A, included new public access walkways along the water's edge that provide pedestrian access from the foot of Broadway (at a Broadway observation pier) via a pier-constructed walkway that passes between the water and the waterfront side of Scott's restaurant, which then connects to the Franklin Street Plaza (the location of the Public Pavilion). The Franklin Street Plaza is partially constructed on an historic Pier and serves as the entry area to the Kincaid's restaurant and well as provides service access to Kincaid's, Scott's and the Water Street I retail building. The plaza also provides for public access, benches, planters, lighting and landscape concrete pavers as well as railings at the water's edge. The Center basin of the Jack London Square Marina (completed in 2000) borders the plaza on the east and provides views and access to the public portion of the Marina including those docks providing for access to the water by California Canoe and Kayak. Within the Broadway/Franklin area of Jack London Square north of the Water Street walkway is the Broadway Underground Garage which has a capacity of 300 vehicles to service the retail and restaurants located near this area. Valet Parking is provided to both the foot of Broadway and the foot of Franklin Street under the BCDC/Port Vehicle Access Plan (VAP) which regulates traffic and parking in Jack London Square. These proposed improvements within the public access area are described in this application, which addresses the storage needs for the Public Pavilion, the need to create a breezeway for when the Public Pavilion is in private use, and planters that will serve as a decorative feature and as protection for the Public Pavilion wall system. These improvements are part of a larger project to enhance the Public Pavilion so that it is a more functional and attractive facility.

These combined improvements are designed to enhance the public enjoyment of the Plaza by providing more public use of the plaza because of the ease of transitioning the Pavilion from public to private use and then back to public use.

The improvements to the Pavilion that are contemplated in this application have little to no effect on the existing public access for the entire Jack London Square area.

2. Describe how the public access area and facilities would be accessible to disabled persons.

Jack London Square was designed under the most current ADA laws at the time, and when upgrades or improvements are made ADA access is updated to provide access under the most current regulations, including ADA access to the Jack London Square Marina. All restaurants and Parking comply with current ADA regulations. All of the public access areas are open to disabled persons and at street level.

3. Describe the proposed connections to existing public streets or offsite public pathways.

All connections to existing public streets and the City of Oakland Street Grid remain unchanged as a part of this project and are covered under conditions and restrictions provided in the VAP.

4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.

The applicant has supplied a document to be reviewed and approved by BCDC which will permanently guarantee the public access for the Public Pavilion. The area is maintained under the Port Agreement with Scott's restaurant under a lease, for which a copy has been provided to BCDC. There are also agreements in place among the Port and the current Jack London Square Developer as well as the Management company to create a Common Area Maintenance (CAM) plan, which has been in existence since 1995. Tenants are assessed a CAM fee which is used to maintain the common areas and landscaping/lighting.

5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

The upland project area is completely urbanized and not a habitat area for species or wildlife. Public access to the site is not likely to have the potential to adversely affect wildlife.

Environmental Impact Documentation

(must be completed by all applicants)- attachment

(Application B)

Box 8. A

Categorical Exemptions under the California Environmental Quality Act.

Please note that the City of Oakland has land-use jurisdiction for development in Jack London Square and that the City will certify or require any additional CEQA documentation. However, our proposed determination recommendation is as follows:

This project would be considered exempt from CEQA under several categorical exemptions.

Class 1 ("existing facilities"): Section 15301 of the CEQA Guidelines exempts the "minor alteration of existing public or private structures". This exemption includes "exterior alterations involving such things as interior partitions". (Section 15301(a).) This project qualifies for this exemption because it is a minor change from one door system (vinyl door system) to another door system (permanent door system). This exemption also includes "[a]dditions to existing structures" that do not result in an increase of more than 50 percent of the floor area or 10,000 square feet (with exceptions not relevant here). (Section 15301(e).) This project also qualifies for this exemption because it increases the area of the approximately 4,000 sf Pavilion by only 3.22 sf, which is much less than the limit of 50 percent of 10,000 square feet.

Class 2 ("replacement or reconstruction"): Section 15302 of the CEQA Guidelines exempts "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced". This exemption applies here because this project replaces one door system, which allows ingress and egress, with another door system with the same purpose and limits.

Class 3 ("new construction or conversion of small structures"): Section 15303 of the CEQA Guidelines exempts "small facilities and structures", including "[a]ccessory (appurtenant) structures". (Section 15303(e).) This exemption applies here because this project is for a relatively small, door system that is appurtenant to the Pavilion.

Class 11 ("accessory structures"): Section 15311 exempts "minor structures accessory to (appurtenant to) existing commercial ... facilities", including "temporary use items ... in generally the same locations from time to time in ... facilities designed for public use". (Section 15311(c).) This exemption applies here because this project is for a minor door system that will be closed from time to time in generally the same location as the existing door system in the public Pavilion.

PUBLIC PAVILION

Jack London Square
Oakland, California

SCOPE OF WORK:

Proposed Permanent
Entry/Exit door

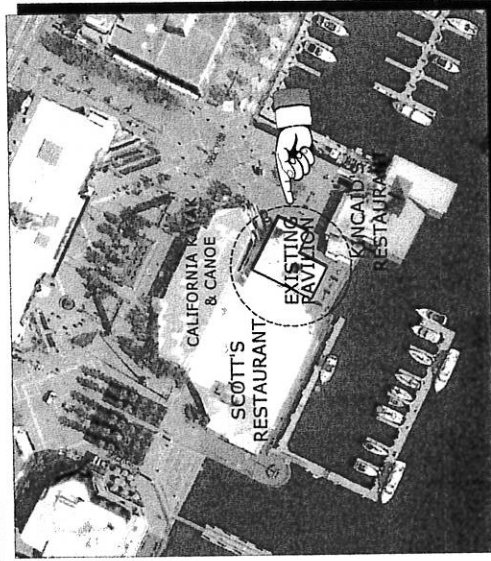
- INDEX:
- A.0.1 VICINITY MAP
 - A.0.2 RENDERINGS
 - A.0.3 PUBLIC ACCESS AND OPEN SPACE PLAN
 - A.1 PLAN VIEW PAVILION PRIVATE AND PUBLIC USE OVERALL ELEVATION
 - A.3 DOOR ELEVATION & DETAIL VIEW CORRIDOR PLAN

Presented by:

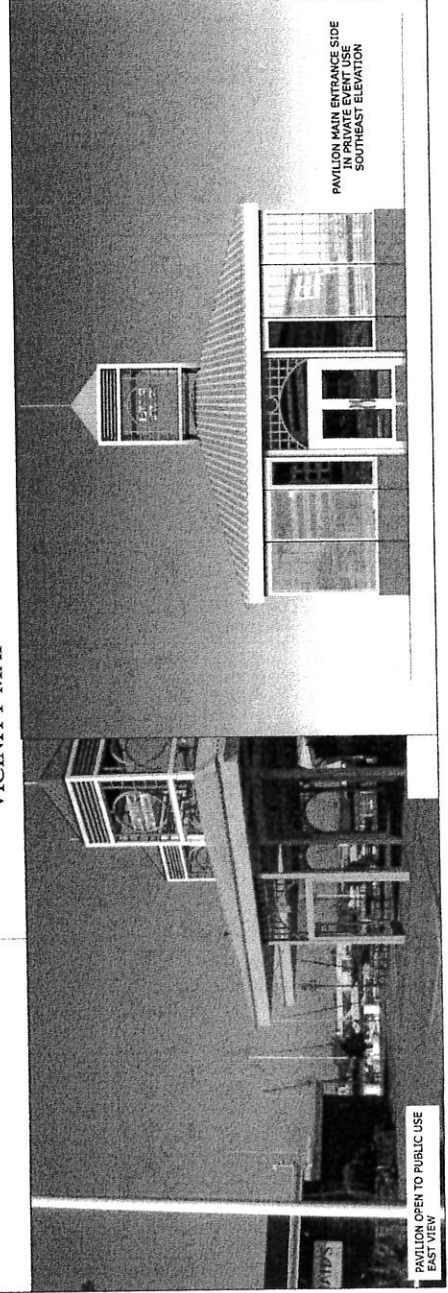
Steven Hanson, Consultant,
Scott's Seafood Restaurants
Steve Fagalde, President,
Scott's Seafood Restaurants

Drawn by:

Juan Rubio
RUBIO BOWDEN DESIGN



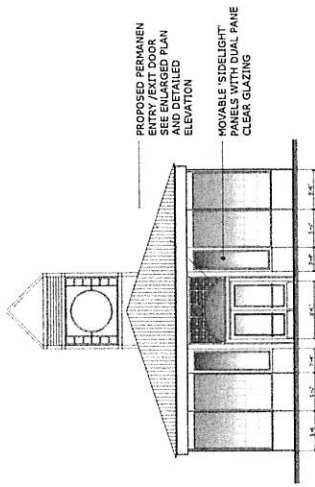
VICINITY MAP



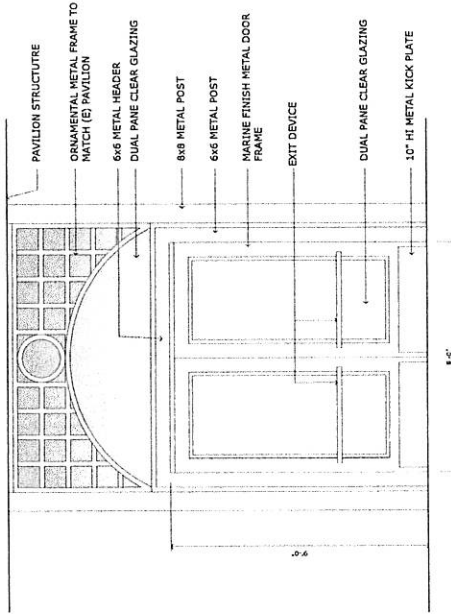
PAVILION OPEN TO PUBLIC USE
EAST VIEW

PAVILION MAIN ENTRANCE SIDE
PAVILION MAIN ENTRANCE USE
SOUTHEAST ELEVATION

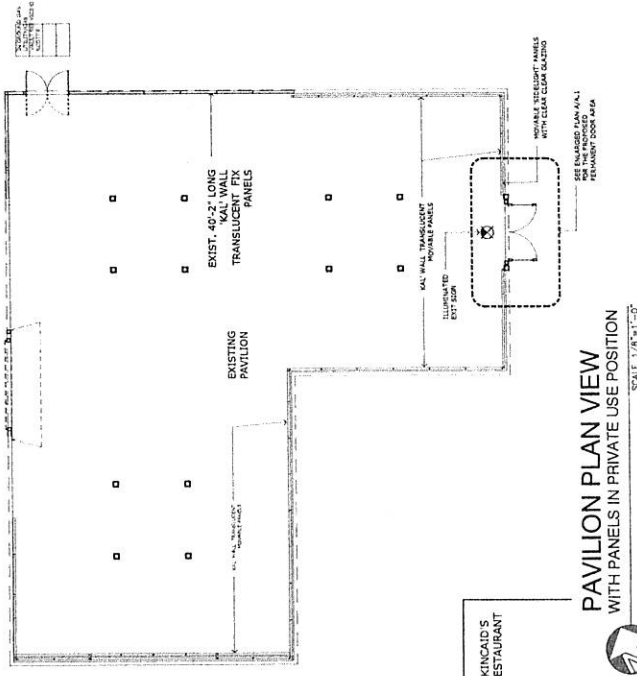
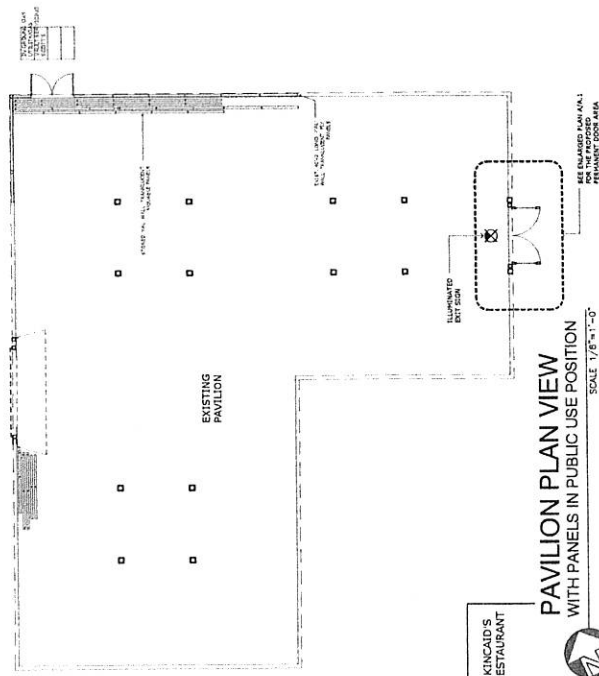




1 PAVILION MAIN ENTRANCE SIDE
IN PRIVATE EVENT USE - SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



A DOOR ELEVATION
SCALE: 1/8" = 1'-0"
ENLARGED ENTRY DOOR PLAN
SCALE: 1/8" = 1'-0"

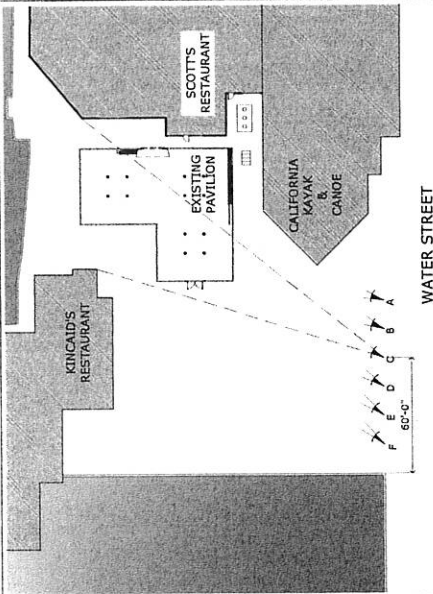


PAVILION

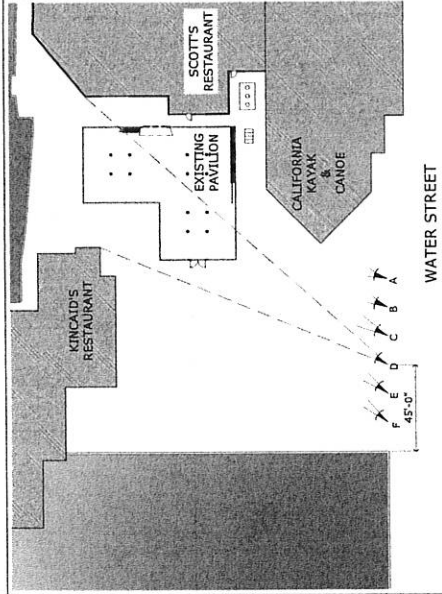
JACK LONDON SQUARE

DATE	BY	REVISIONS
07/24/2013		

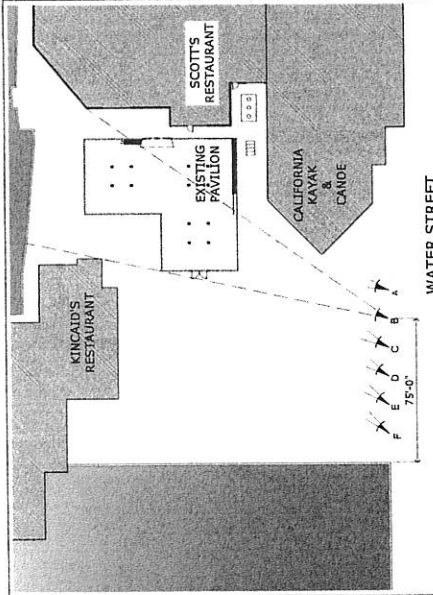
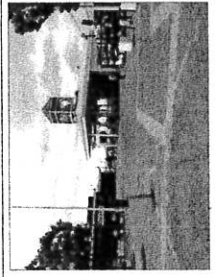
VIEW CORRIDOR PLAN



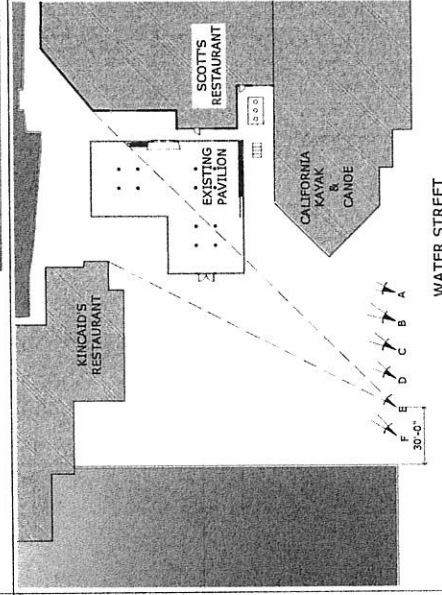
VIEW CORRIDOR 'C'



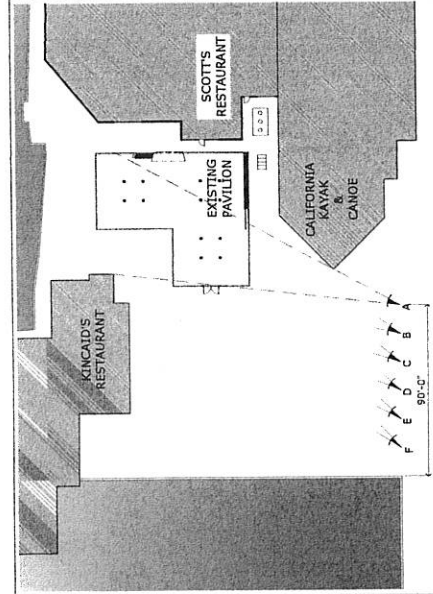
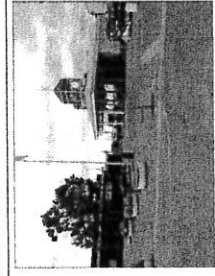
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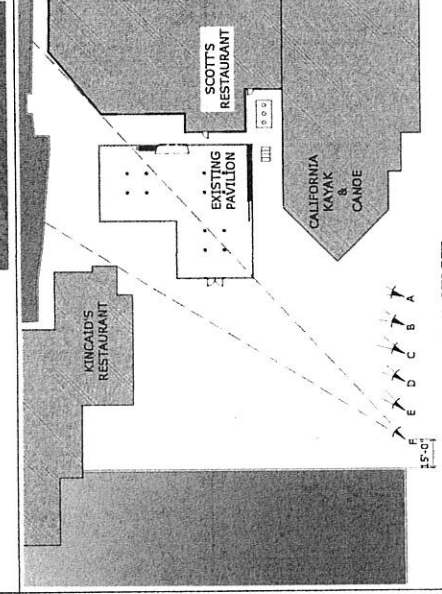
VIEW CORRIDOR 'B'



VIEW CORRIDOR 'E'

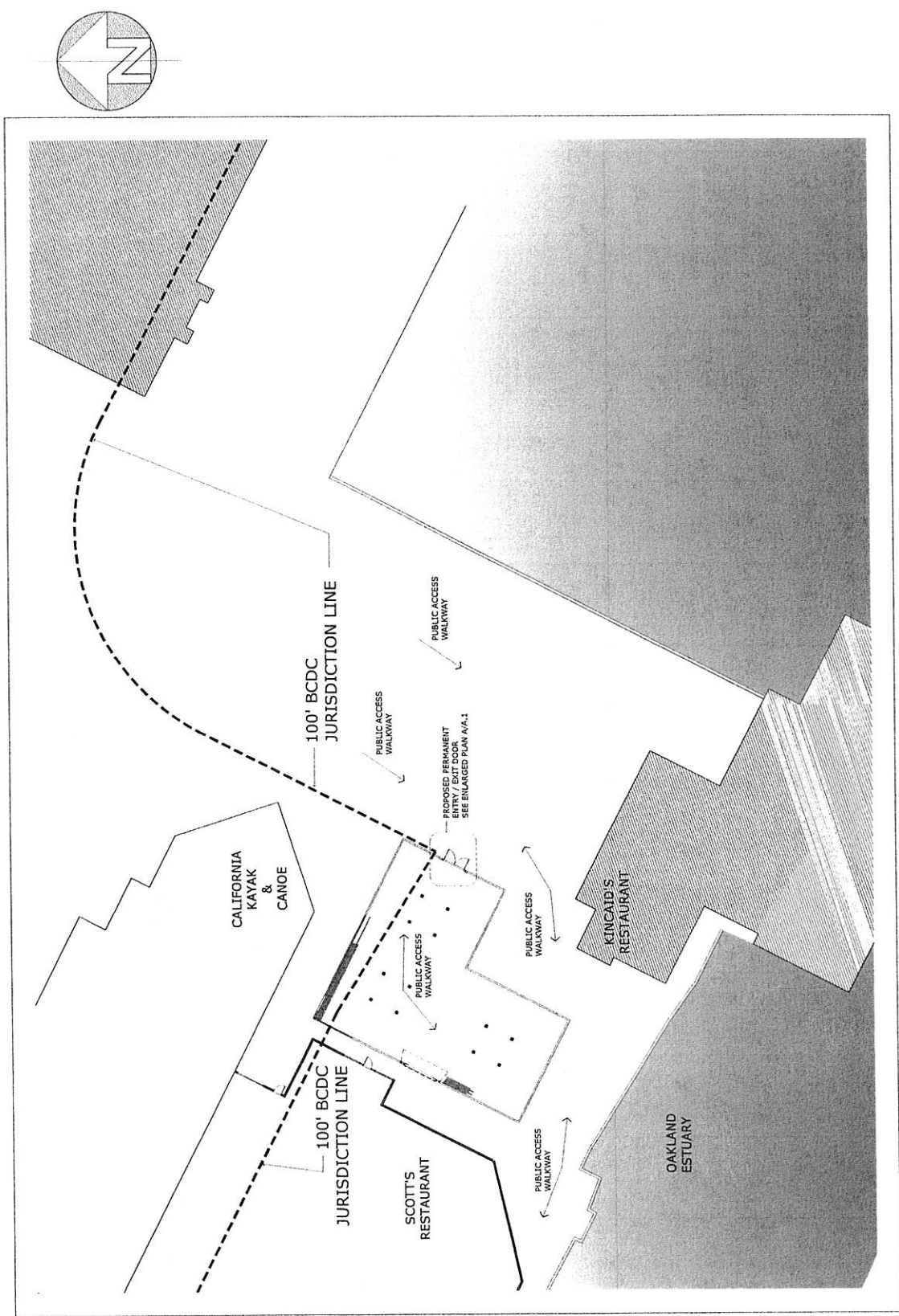


VIEW CORRIDOR 'A'



VIEW CORRIDOR 'F'





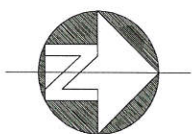
PUBLIC ACCESS AND OPEN SPACE PLAN
 scale: 1/16" = 1'-0"

PUBLIC PAVILION

Jack London Square
Oakland, California

SCOPE OF WORK:

Proposed Permanent
Entry/Exit door



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- A.0.1 VICINITY MAP
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- A.3 DOOR ELEVATION & DETAIL
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Presented by:

Steven Hanson, Consultant,
Scott's Seafood Restaurants
Steve Fagale, President,
Scott's Seafood Restaurants

Drawn by:

Juan Rubio
RUBIO BOWDEN DESIGN



VICINITY MAP



PAVILION MAIN ENTRANCE SIDE
IN PRIVATE EVENT USE
SOUTHWEST ELEVATION

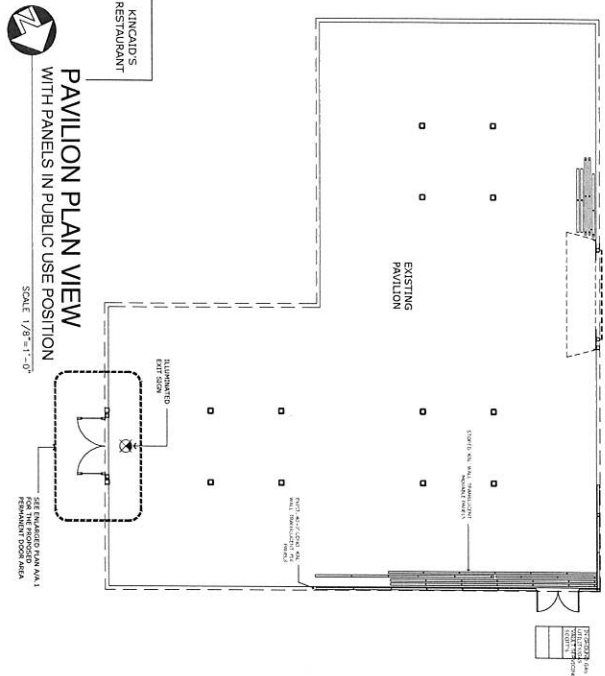
SHEET NUMBER

A.0.1

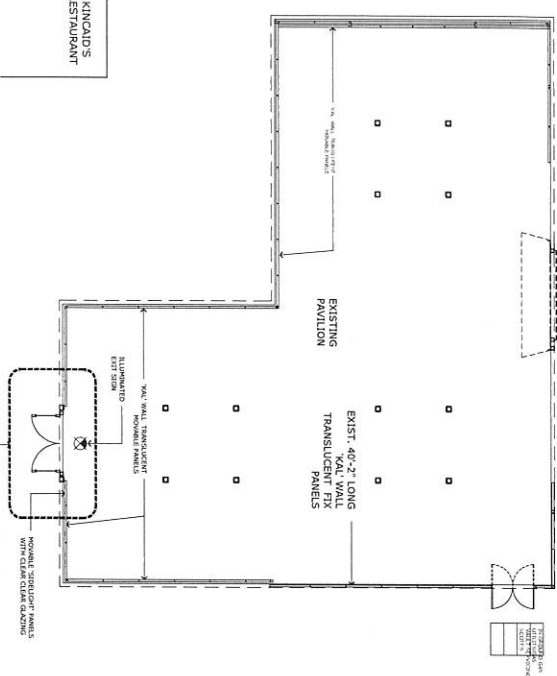
VICINITY
MAP
RENDERINGS

SCALE 1/8" = 1'-0"

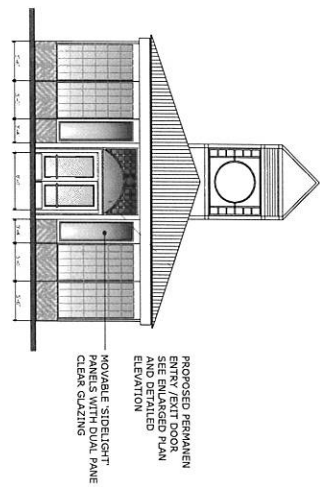
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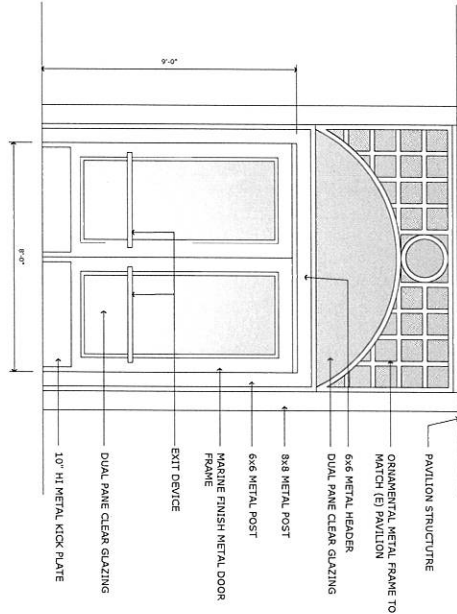
PAVILION PLAN VIEW
WITH PANELS IN PUBLIC USE POSITION
SCALE 1/8"=1'-0"



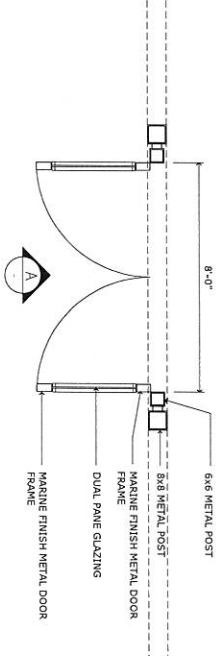
PAVILION PLAN VIEW
WITH PANELS IN PRIVATE USE POSITION
SCALE 1/8"=1'-0"



1 PAVILION MAIN ENTRANCE SIDE
IN PRIVATE EVENT USE - SOUTHEAST ELEVATION
SCALE 1/8"=1'-0"



A DOOR ELEVATION
SCALE 1/8"=1'-0"



ENLARGED ENTRY DOOR PLAN
SCALE 1/8"=1'-0"

ASSESSOR'S MAP 18

Code Area Nos. 17-001

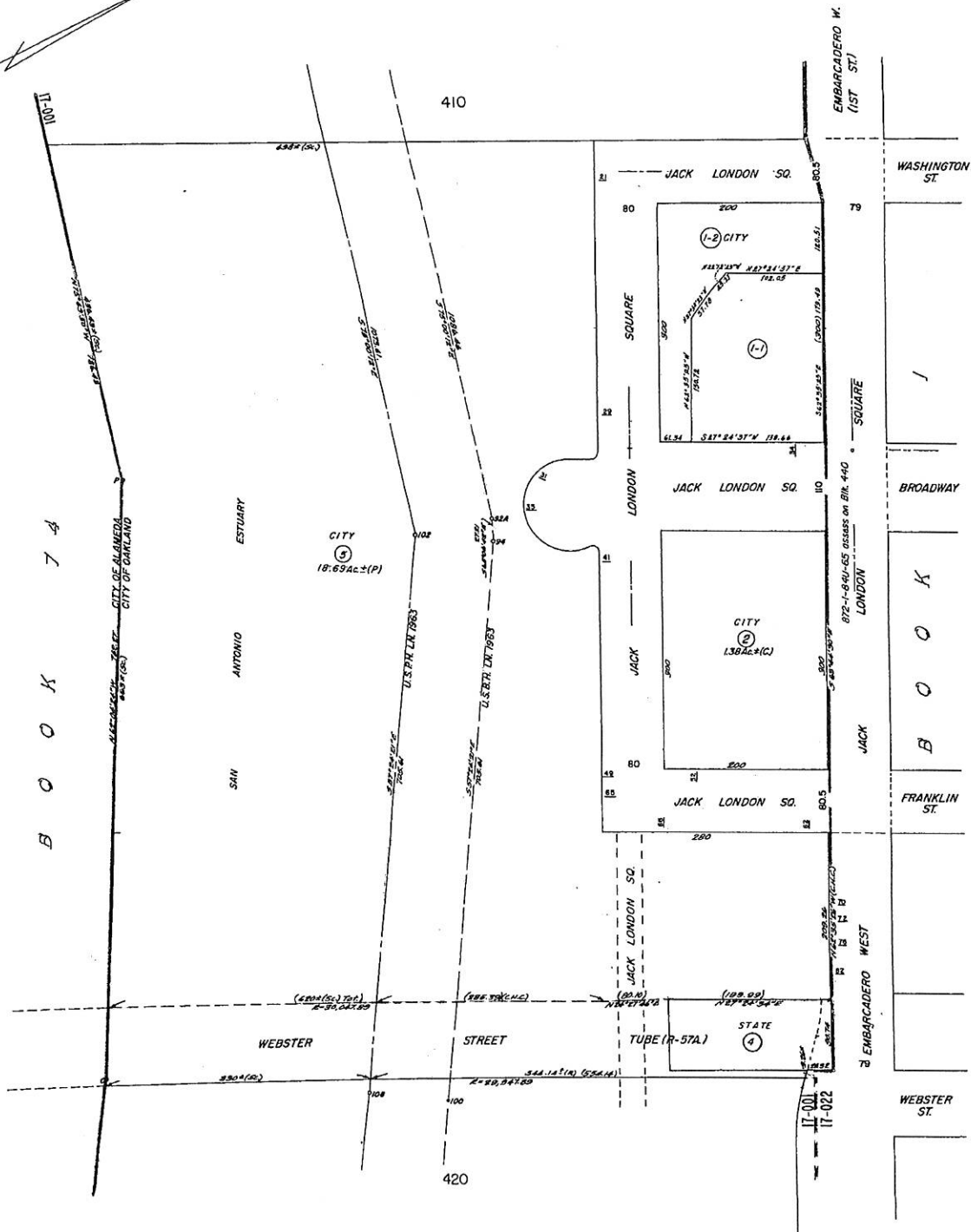
415

Scale: 1"=100'

OAKLAND AND VICINITY (BOARDMAN) (Bk. 17 Pg. 14)

Drawn: 2-66 R.H.S. Revised: 2-73 R.H.S.
8-73 S.C.L. 8-73 S.C.L.
11-08-10 ZC

Formerly: Blks. 204, 205 & 206 Blks. 96, 104 & 203
6/415



A.C.M.

Reference: Case 7-1-2, Case 2-19-20, Case 2-3B-6

HPN-5

100-5

Reset

Print

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

BCDC Application Form

Application note:

Port application for main
BCDC permit 19-85(A)
amendment 20. Retain
Storage Room - new
Planters - Breezeway Door
(Application C)



For BCDC Use Only

Application number: 1985.019.01A

Fee: _____

Checklist of Application Requirements (For Applicant's Use)

	Major Permit	Administrative Permit	Regionwide Permit
<input checked="" type="checkbox"/> Application Form	One fully completed and signed original and seven copies	One fully completed and signed original	One fully completed and signed original
<input checked="" type="checkbox"/> Large Scale Project Site Plan	One copy	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Project Site Plan	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Public Access and Open Space Plan	Seven copies	One copy	None
<input checked="" type="checkbox"/> 8.5"x11" Vicinity Map	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> Proof of Legal Property Interest	One copy	One copy	One copy
<input checked="" type="checkbox"/> Local Government Discretionary Approval	One copy	One copy	None
<input checked="" type="checkbox"/> Environmental Documentation	One copy of environmental determination and EIR or EIS Summary	One copy of environmental determination	None
<input type="checkbox"/> N/A Water Quality Certification/Waiver	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Dept. of Toxic Substances Control Approval	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Biological Opinion/Take Authorization from state and federal agencies	One copy, if applicable	One copy, if applicable	Not applicable
<input checked="" type="checkbox"/> Application Processing Fee	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M
<input checked="" type="checkbox"/> Notice of Application*	Posted at project site	Posted at project site	Posted at project site
<input type="checkbox"/> N/A Certification of Posting the Notice of Application*	One signed original returned to BCDC	One signed original returned to BCDC	One signed original returned to BCDC

*BCDC staff will provide the forms for posting the Notice of application and the Certification.

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resources Code.
Reference: Sections 65940-65942, 66605, 66632(b) and (f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.

Box 1

Property Ownership and Applicant Information (must be completed by all applicants)

a. APPLICANT:

☒ Owns project site ☐ Leases project site ☐ Homeowner Association owns/will own ☐ Other Property Rights: _____

Name/Title: Port of Oakland
Address: 530 Water Street
City, State, Zip: Oakland, CA 94607
Telephone: (510)627-1182 Fax: 510-465-3755
Email: rsinkoff@portoakland.com

APPLICANT'S REPRESENTATIVE: ☐ None *Programs and Planning*
Name/Title: Richard Sinkoff, Director Environmental Planning

Address: 530 Water Street
City, State, Zip: Oakland, CA 94607
Telephone: (510)627-1182 Fax: 510-465-3755
Email: rsinkoff@portoakland.com

I hereby authorize _____
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Applicant

RICHARD SINKOFF
Print Name

9-24-2013
Date (mm/dd/yyyy)

DIRECTOR OF ENVIRONMENTAL
PROGRAMS AND PLANNING

b. CO-APPLICANT:

☐ Owns project site ☒ Leases project site ☐ Homeowner Association owns/will own ☐ Other Property Rights: _____

Name/Title: Scott's Jack London Seafood, Inc
Address: 255 3rd Street, Suite 102
City, State, Zip: Oakland, CA 94607
Telephone: (510) 302-0999 Fax: (510) 302-0995
Email: stevf@scottscorp.com

CO-APPLICANT'S REPRESENTATIVE: ☐ None

Name/Title: John Briscoe, Attorney (S. Hanson consultant)
Address: 155 Sansome St
City, State, Zip: San Francisco, CA 94104
Telephone: (415) 402-2701 Fax: (415) 398-5630
Email: jbriscoe@briscoelaw.net

I hereby authorize John Briscoe, Attorney at Law (Briscoe, Ivester & Bazel, LLP)
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Co-Applicant

Stephen E Fagalde
Print Name

09/23/2013
Date (mm/dd/yyyy)

c. PROPERTY OWNER: ☒ Same As Applicant or Co-Applicant

OWNER'S REPRESENTATIVE: ☐ None

Name/Title: _____
Address: _____
City, State, Zip: _____
Telephone: _____ Fax: _____
Email: _____

Name/Title: _____
Address: _____
City, State, Zip: _____
Telephone: _____ Fax: _____
Email: _____

I hereby authorize _____
to act as my representative and bind me in all matters concerning this application.

Signature of Owner

Print Name

Date (mm/dd/yyyy)

(Box 1, Property Ownership and Applicant Information, continued)

- d. Provide documentation of property interests, such as a copy of a grant deed, lease or easement, and Conditions Covenants and Restrictions, for a homeowner's association, that demonstrates that the owner or applicant has adequate legal interest in the property to undertake the proposed project. See Commission regulations Appendix F for complete details.

e. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

The following contributions of more than \$250 were made by the applicant or applicant's representative to a BCDC commissioner or commissioner's alternate in the preceding twelve months to support the commissioner's or alternate's campaign for election to a local, state or federal office.

Contribution Made To:

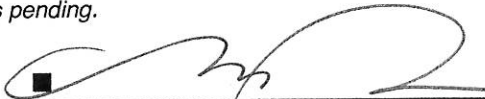
Contribution Made By:

Date of Contribution:

☒ No such contributions have been made.

f. CERTIFICATION OF ACCURACY OF INFORMATION AND AUTHORIZATION TO INSPECT:

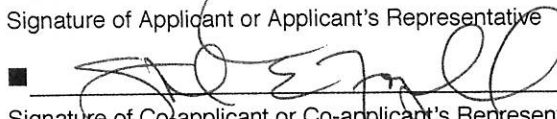
I hereby certify under penalty of perjury that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission. I further agree that the Commission staff may, with 24 hours notice, inspect the project site while this application is pending.

■ 

Signature of Applicant or Applicant's Representative

9-24-2013

Date (mm/dd/yyyy)

■ 

Signature of Co-applicant or Co-applicant's Representative

09-24-2013

Date (mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date(mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date (mm/dd/yyyy)

Box 2

Total Project and Site Information (must be completed by all applicants)

- a. Project Street Address: 2 Broadway
- b. City, County, Zip: Oakland, CA 94607
- c. Assessor's Parcel Number(s): 18-415-5 (Portion thereof)
- d. Latitude: 37°47'38.32" N Longitude: 122°16' 35.34" W
- e. Previous BCDC permit number(s) for work at this site: 1985-019A (Jack London Sq. Immediately outside Pavilion area)
- f. Project Name: Public Pavilion Improvements - Three elements - One existing - two new: Existing Storage Room -request to retain use. New Breezeway Door and New Planters.
- g. **Brief Project Description:** This project has three parts. The first part is for a permit for an existing storage room that enhances public access to the adjacent pavilion by providing quick storage for equipment used for private pavilion events on those days when the pavilion is open to the public. The second part is to create a modular breezeway between Scott's Restaurant and the pavilion that will enhance the utility and security of the pavilion when in use for private events, and that will be open to the public when the pavilion is open for public use. The third part is to install 16 movable planters around the pavilion to enhance the aesthetics and security of the pavilion.
- h. Date work is expected to begin: Storage Room currently is in use - New planters and Breezeway doors are ready to install.
- Date work is expected to be completed: By November 2013
- i. Total Project Cost: \$ \$80,000 - includes past investment and new investment
- i. Length of shoreline on the project site: The site is bordered by about 75 feet of shoreline feet
- k. Length of shoreline at adjacent property owned or controlled by the applicant: Jack London Square has about 2,500 lineal feet of shoreline feet
- l. Approximate size of project site within BCDC's "shoreline band" jurisdiction: 255 sf storage -122 sf breezeway - 75 sf portable planters square feet
- m. Approximate size of project site within BCDC's "Bay" or "certain waterway" jurisdiction: N/A square feet
- n. Approximate size of project site within BCDC's managed wetland or salt pond jurisdiction: N/A square feet
- o. Approximate size of project site within the Suisun Marsh: N/A square feet
- p. Approximate size of project site outside of BCDC's jurisdiction: None square feet
- q. Approximate total size of project site (including areas outside BCDC's jurisdiction): 23,000 sf (plaza area only) square feet
330 sf -(storage+ planters)
and an additional 122 sf of Breezeway when in private use square feet
- r. Area of total project site reserved for non-public access uses: 22,670 sf except when Pavilion and Breezeway are in Private USE square feet
- s. Area of total project site reserved for public access:
- t. Does the project involve development within the primary management area of the Suisun Marsh?
☐ Yes ☒ No

If "Yes," provide any relevant duck club number(s): _____

(Box 2, Total Project and Site Information, continued)

u. Project Details. Complete all that apply.

Proposed Elements of the Project	In BCDC's Bay, Certain Waterway, Managed Wetlands or Suisun Marsh Jurisdiction*	In BCDC's Shoreline Band jurisdiction	Outside BCDC's jurisdiction	Totals
1. Structures	_____sq.ft.	255 + 122+ 75 = 452 sf	_____sq.ft.	255 + 122+ 75 = 452 sf
2. All Roads, Parking, Pathways, Sidewalks	_____sq.ft.	_____sq.ft.	_____sq.ft.	None _____sq.ft.
3. Number of Parking Spaces:				None
4. All Landscaping	_____sq.ft.	16 planters-75 _____sq.ft.	_____sq.ft.	16 planters-75 _____sq.ft.
5. Left undeveloped	_____sq.ft.	23,000-452=22,548	_____sq.ft.	23,000-452=22,548
6. Shoreline Protection	_____sq.ft.	_____sq.ft.	_____sq.ft.	None _____sq.ft.
7. Piers, docks and other marine-related purposes	_____sq.ft.	_____sq. ft.	_____sq.ft.	None _____sq.ft.
8. Areas used for other purposes (specify)	_____sq.ft.	_____sq.ft.	_____sq.ft.	None _____sq.ft.
Totals:	0 _____sq.ft.	255 + 122+ 75 = 452 sf	0 _____sq.ft.	255 + 122+ 75 = 452 sf

* If project will occur in more than one of these jurisdictions, provide the requested information for each area separately.

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.
2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.
3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.
4. Endangered or Threatened Species.
 - a. Identify any known threatened or endangered species, or any species that the California Department of Fish and Game or a federal wildlife agency has determined are candidates for listing as threatened or endangered species, or any species that provide substantial public benefits that may be found at the project site.
 - b. Provide any "biological opinion" issued by a state or federal agency as the result of an endangered species consultation.
 - c. Provide any "take" authorizations issued by the state or federal resource agencies.
5. Identify any subtidal areas that are scarce or that have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).
6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.
7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.
8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.
9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.
10. **PROJECT PLANS:** Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay). **See also Appendix F for details.**

Box 3

Fill Information

("Fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. Gov. Code Section 66632(a))

- a. Complete this box if fill would be placed in any of these areas (check all those that apply): *No fill as part of the project.*

☐

San Francisco Bay

☐

Salt pond

☐

Managed wetland

☐

"Certain waterway"

☐

Primary management area of the Suisun Marsh

Other: _____

b. Surface area of tidal and subtidal property to be covered with fill: _____ square feet

c. Total volume of solid fill to be placed in tidal and subtidal areas: _____ cubic yards

d. **Type of Fill.** Surface area of proposed:

Solid fill: _____ square feet

Floating fill: _____ square feet

Pile-supported fill: _____ square feet

Cantilevered fill: _____ square feet

Total area to be filled:

square feet

e. **Types of Areas to be Filled.** Of the total area to be filled, what is the footprint of fill that would be placed in:

Open water: _____ square feet

Tidal marsh: _____ square feet

Tidal flat: _____ square feet

Salt pond: _____ square feet

Managed wetlands in the primary management area of the
of the Suisun Marsh:

_____ square feet

Other managed wetlands:

_____ square feet

f. Area on new fill to be reserved for:

Private, commercial, or other non-public-access uses:

_____ square feet

Public access:

_____ square feet

(Box 3, Fill Information, continued)

g. INFORMATION REGARDING FILL (PROVIDE IN AN ATTACHMENT):

1. Provide dimensions of portions of all structures to be built on new fill, including length, width, area, height and number of stories.
2. Provide one or more photographs of existing shoreline conditions.
3. Explain the purpose of fill in the Bay, salt pond, managed wetland, certain waterway, or Suisun Marsh considering that the Commission can approve new fill for only five purposes: (a) accommodating a water-oriented use; (b) minor fill for improving shoreline appearance; (c) minor fill for providing new public access to the Bay; (d) accommodating a project that is necessary to the health, safety, or welfare of the public in the entire Bay Area; and (e) accommodating a project in the Suisun Marsh that is consistent with either: (1) the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan; or (2) the Suisun Marsh Local Protection Program.
4. Explain:
 - (a) what possible impacts the fill would have on the Bay Area, including impacts on: (1) the volume of Bay waters, on Bay surface area, or on the circulation of Bay water; (2) water quality; (3) the fertility of marshes or fish or wildlife resources; and (4) other physical conditions that exist within the area, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance; and
 - (b) how the nature, location, and extent of the fill would minimize possible harmful conditions or effects to the Bay.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.
6. Explain: (a) why the fill would be the minimum amount necessary; and (b) why there is no alternative upland location for the project that would avoid the need for Bay fill.
7. If the fill is to be used for improving shoreline appearance or providing new public access to the Bay, explain why it is physically impossible or economically infeasible to accomplish these goals without filling the Bay.
8. Explain how the fill would result in a stable and permanent shoreline.
9. Explain the steps that would be taken to assure that the project will provide reasonable protection to persons and property against hazards of unstable geologic or soil conditions, of sea level rise, or of flood or storm waters.
10. Provide the names, addresses, and telephone numbers of any licensed geologists, engineers, or architects involved in the project design who can provide technical information and certify the safety of the project.
11. Describe in detail the anticipated impacts of the fill on the tidal and subtidal environment, and describe how these impacts would be addressed or mitigated, and explain how the public benefits of the project would clearly exceed the public detriment from the loss of water area, tidal marsh or tidal flats.
12. For marina projects, indicate how many berths, if any, are to be made available for live-aboard boats and explain how these live-aboard boats would contribute to public trust purposes.
13. For tidal, subtidal and other wetland restoration projects, including mitigation projects: (a) identify specific long-term and short-term biological and physical goals; (b) identify success criteria; (c) provide a monitoring program intended to assess the success and sustainability of the project; (d) include an adaptive management plan with corrective measures, if needed, to achieve success and sustainability; and (e) identify the provisions for long-term maintenance, as required by the Bay Plan policies on Mitigation, Tidal and Subtidal Areas. The Commission's laws and policies may be found at www.bcdc.ca.gov in the digital library.

Box 4

Shoreline Band Information

("Shoreline band" means the land area lying between the Bay shoreline and a line drawn parallel to and 100 feet from the Bay shoreline. The Bay shoreline is the Mean High Water Line, or five feet above Mean Sea Level in marshlands.)

- a. Does the project involve development within the 100-foot shoreline band around San Francisco Bay?

☒ Yes ☐ No

If "Yes," complete this box.

- b. Types of activities to be undertaken or fill, materials or structures to be placed within the shoreline band:

To permit an existing 255 sq. ft. storage building located between permitted Public Pavilion and the east wall of Scott's restaurant. To also permit the installation of 16 portable metal clad flower planters in an area around the Pavilion to protect the walls, when they are deployed, from potential damage due to allowable commercial vehicles in the area and to install a breezeway doorway between the Pavilion and the restaurant on the north side of the area between the two structures..

- c. Would the project be located within a priority use area designated in the San Francisco Bay Plan?

☐ Yes ☒ No

The Bay Plan and Maps that depict priority use areas can be viewed in the digital library at www.bcdc.ca.gov.

If "No," go to section (d). If "Yes," please indicate which priority use the area is reserved for: _____

Would the project use be consistent with the priority use for which the site is reserved?

☐ Yes ☐ No

If "Yes," go to section (d). If "No," attach an explanation of how the project can be approved despite this inconsistency.

- d. Total shoreline band area:

Within project site:	23,000 sf in this plaza area	square feet
To be reserved for private, non-public access uses:	330 sf (storage area + planters) and an additional 122 sf of Breezeway when in private use	square feet
To be reserved for public access:	22,670 sf except when Pavilion and breezeway are in private use	square feet

- e. **INFORMATION ABOUT WORK PROPOSED IN THE SHORELINE BAND (PROVIDE IN AN ATTACHMENT):**

1. Provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories.
2. Provide one or more photographs of existing conditions within the 100-foot shoreline band.

Box 5

Public Access Information (must be completed by all applicants)

a. PUBLIC ACCESS DETAILS:

1. Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

☒ Yes ☐ No

If "Yes" attach a description of the existing public access and views at these areas.

A set of plans with view corridors and a discussion ^{are} is attached

If "No," explain what is preventing public access to, or views of, the shoreline.

2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.
See discussion below on attached sheet
3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.
See discussion on attached sheet.
4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.
See discussion on attached sheet.
5. Do public safety considerations or significant use conflicts make it infeasible to provide new public access to the shoreline on the project site?

☒ Yes ☐ No

If "Yes," describe the public safety considerations or significant use conflicts that make it infeasible to provide public access at the project site and either: (1) identify an offsite area where public access to the shoreline is proposed as part of the project and describe the proposed public access area and improvements at that location; or (2) explain why no offsite public access is proposed as part of the project. See discussion of consistency with BCDC public access policies, attached

(Box 5, Public Access, continued)

6. Dimensions of the public access areas: ☒ **None Proposed**

	Existing		Proposed	
Total public access area including areas outside the Commission's jurisdiction:	23,000	square feet	22,548	square feet
Public access within Commission's shoreline band jurisdiction:	23,000	square feet	22,548	square feet
This shoreline Band consists of an existing plaza (Franklin Street Plaza) that connects Franklin Street, Water Street and a public walkway to the 23,000 sf plaza		linear feet		linear feet
		average width		average width
Public access pathways, sidewalks in the shoreline band:	The narrowest width is approximately 23 feet when Public Pavilion is in Private use- otherwise 85 feet			
		square feet		square feet
		linear feet		linear feet
Landscaping consists of planter boxes adjacent to existing structures and large concrete planters placed inside the plaza area and are typical of retail oriented mixed-use urban projects				
Public access area, landscaping in the shoreline band:		square feet		square feet
Public access on fill within Commission's Bay, certain waterway, and managed wetlands jurisdiction:	The project does not alter existing shoreline, pier, there is no new fill			
		square feet		square feet
		linear feet		linear feet
		average width		average width
Public access on piers or decks over water/wetlands:		square feet		square feet
		linear feet		linear feet
		average width		average width
View Corridor(s):	approximately 15,935 sq. ft.	square feet		square feet
	approximately 214 linear ft.	linear feet		linear feet
	approximately 85 feet.	average width		average width
Public Access Parking:		stalls		stalls
There are approximately 1,300 public paid parking stalls in the area west of Franklin Street.				

b. ADDITIONAL PUBLIC ACCESS INFORMATION (PROVIDE IN AN ATTACHMENT):

1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements.
2. Describe how the public access area and facilities would be accessible to disabled persons.
3. Describe the proposed connections to existing public streets or offsite public pathways.
4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.
5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

Box 6

Dredging and Mining Information

- a. Complete this box if the project involves mining, dredging or the disposal of dredged material in any of the following areas. *Not applicable.*

☐ San Francisco Bay ☐ Salt pond ☐ Managed wetland ☐ "Certain waterway"
☐ Primary management area of the Suisun Marsh ☐ Other: _____

- b. Are you submitting a separate application to the Dredged Material Management Office (DMMO)?

☐ Yes ☐ No

If "Yes," attach a copy of that application; it is not necessary to complete this Box. If "No," complete this box.

- c. Type of activity: ☐ Maintenance Dredging ☐ New Dredging ☐ Mining

- d. Method of dredging or mining: _____

- e. Total volume and area of material to be dredged or mined from:

Open waters: _____ cubic yards _____ square feet

Tidal marshes: _____ cubic yards _____ square feet

Tidal flats: _____ cubic yards _____ square feet

Salt ponds: _____ cubic yards _____ square feet

Managed wetlands in the primary management area of the Suisun Marsh:

_____ cubic yards _____ square feet

Other managed wetlands: _____ cubic yards _____ square feet

Subtidal areas that are scarce or have an abundance and diversity of fish,
other aquatic organisms and wildlife, such as eelgrass beds and sandy deep water:

_____ cubic yards _____ square feet

Other (specify): _____ cubic yards _____ square feet

- f. Are knockdowns proposed as part of the dredging project?

☐ Yes ☐ No

Number of knockdowns: _____

Volume per knockdown event: _____ cubic yards

(Box 6, Dredging and Mining Information, continued)

g. Location(s) where dredged or mined material will be deposited: _____

h. Total volume of dredged material to be disposed: cubic yards

Beneficially re-used: cubic yards

i. Estimated future maintenance dredging required annually: _____ cubic yards

j. For dredging projects:

Proposed design depths (MLLW): (1) _____ (2) _____ (3) _____

Proposed over-depth dredging (+ feet): (1) _____ (2) _____ (3) _____

Number of dredging episodes: _____

k. Does this project have an annual average dredging average of 50,000 cubic yards or less?

☐ Yes ☐ No

l. ADDITIONAL INFORMATION (PROVIDE IN AN ATTACHMENT):

1. If the dredged material is to be disposed of in the Bay, explain why the material cannot feasibly be beneficially re-used or disposed of in the ocean, upland, or inland outside of the Commission's jurisdiction.
2. Provide the results of testing for biological, chemical or physical properties of the material to be dredged.
3. Provide a copy of a water quality certification or waste discharge requirements for the dredging or disposal of dredged material from the San Francisco Bay Regional Water Quality Control Board.
4. Identify local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic vegetation; and (e) the Bay's bathymetry.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.

Box 7

Information on Government Approvals (must be completed by all applicants)

	Required YES NO	Type of Approval	Date Approval Expected/Received	Agency Contact and Phone Number
Local Government Discretionary Approval(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	**Building Permit and Planning Review	Sept 2013	City of Oakland (510) 238-3911
State Lands Commission:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Regional Water Quality Control Board:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
		Regional Board Number:		
California Dept. of Toxic Substances Control:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
California Department of Fish and Game Streambed Alteration Permit:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	**Building Permit from the City of Oakland (as the lead planning agency for the Jack London Square area) will provide additional planning input and will determine final CEQA requirements and building permit requirements.		
DF&G Take Authorization:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Other DF&G Permit:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
U.S. Army Corps Of Engineers:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
		Public Notice Number:		
U.S. Fish and Wildlife Service: Take Authorization	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Biological Opinion:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
NOAA Fisheries Service: Take Authorization	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Biological Opinion	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
U.S. Coast Guard:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Federal Funding:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Other Approval (Specify):				

Box 8

Environmental Impact Documentation (must be completed by all applicants)

- a. Is the project statutorily or categorically exempt from the need to prepare any environmental documentation? ☐ Yes ☐ No
- City of Oakland will make final determination. See attached draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements.

If "Yes," please attach a statement that identifies and supports this statutory or categorical exemption.

- b. Has a government agency other than BCDC, serving as the lead agency, adopted a negative declaration or certified an environmental impact report or environmental impact statement on the project? ☐ Yes ☒ No

If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow the Commission to make the necessary findings regarding all applicable policies. The certified document must be submitted prior to action on the permit. City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements.

Box 9

Public Notice Information (must be completed by all applicants)

- a. Owners and residents of all properties located within 100 feet of the project site (if more than four, provide the information electronically) **Notice: No residential housing exists in this commercial project area- Building Owners**

North:
within the Project area are ground lessees, leasing from the Port of Oakland, there are several commercial sub-tenants

Name: Forge (Restaurant)

Address: 66 Franklin St Oakland,

City, State, Zip: www.theforgepizza.com

Telephone: (510) 268-3200

East:

Name: California Canoe & Kayak

Address: Jack London Square, 409 Water St,

City, State, Zip: Oakland, CA 94607

Telephone: (510) 893-7833

South:

Name: Kincaid's (Restaurant)

Address: 1 Franklin St, Oakland, California

City, State, Zip: 94607 (510) 835-8600

Telephone: kincaids.com

West:

Name: Murasaki

Address: JLS

City, State, Zip: _____

Telephone: _____

- b. Other persons known to be interested in this project: ☐ None
(if more than two, provide the information electronically).

Name: Jack London Square

Address: Management Offices
-70 Washington Street, Suite 207

City, State, Zip: Oakland, CA 94607

Telephone: 510.645.9292

510.645.9363 / Fax
info@jacklondonsquare.com

Name: _____

Address: _____

City, State, Zip: _____

Telephone: _____

(415) 333-3333

See additional interested contacts on attached pages.

Box 9. Public Notice Information (supplemental)

In addition to those interested parties listed on the form the following are also relevant to other persons (organizations) interested in the project.

Waterfront Coalition

Sandra Threlfall, Executive Director

Waterfront Action

P.O. Box 11456

Oakland, CA 94611

Katherine Gavzy

President

League of Women Voters of Oakland

1305 Franklin Street, Suite 311

Oakland, CA 94612-3222

Jack London District

Association

655 3rd Street, PMB 21

Oakland, CA 94607

(510) 473-JLDA

(510) 473-5532

Email: info@jlida.org

Attachment A

Note: Attachment – to Port Application for Pubic Pavilion – Breezeway door, Storage Room and Planters- Amendment App C.

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.

The co-applicants for this application are the Port of Oakland and Scott's Restaurant. The project site, subject to this application, is within the common area of Jack London Square and is outside of the area covered by Permit No. 19-085 (B) Corrected Amendment No. Ten (Scott's) and within the 19-85 A, Amendment No. Twenty, AKA 1985.019.20A. This site is within the BCDC 100 foot shoreline band and is subject to BCDC jurisdiction.

Enclosed Storage Area

This part of the project is an enclosed storage area to support the storage needs of both the public use and the private use of the adjacent Pavilion. The enclosed storage area is located adjacent to a portion of the east wall of Scott's restaurant on one side and adjacent to the western edge of the Pavilion on the other side, in a structure that is 15' 4" wide by 16' 2" deep. Part of the structure resides under the eaves of the eastern wall of the restaurant. The west side of the storage room uses the exterior wall of the Scott's restaurant building as a common wall, as does a portion of the north wall of the storage room. The east wall of the storage room is occupied by a roll up door which allows the storage room to be a backdrop to an area decorated to look like curtains (painted plywood) which demarcates a location (during private events) where risers can be located to form an elevated stage area.

The structure is located on approximately 225 square feet of what is designated as public plaza and common area, but it does not appear to restrict the quality of access or open space in the overall project area. The area occupied by the structure sits between the exterior restaurant wall and the Pavilion in an area that would not have good views of the Bay and would be in the shadow of both the Pavilion roof and the Scott's wall most of the day. When viewing the area from the south side of Water Street near the area of Franklin Street, the storage room would not be in the view corridor as the view would be blocked by the restaurant wall.

Breezeway

This part of the project is to create a modular, weather-proof breezeway in the area bounded by Scott's trash area and an adjacent building to the north, the storage area to the south, Scott's restaurant to the east, and the Pavilion to the west. Installation of this breezeway will improve security, reduce ambient sound, and keep the noise, weather, dust and dirt originating from the delivery and service driveway out of the breezeway area during private Pavilion events. The breezeway door and area will remain open for public access during those times when the Pavilion is open for public access.

This breezeway will be created by installing a wall and service door perpendicular to and attached to the adjacent Scott's Restaurant exterior wall extending to the permanent extension of the new west Kelwall panel section/system (which is non-movable) of the Pavilion (which is the subject of a separate BCDC permit application). This proposed breezeway is under an existing roof overhang. The area within the breezeway (once enclosed with a door on its north end), is 122 square feet. The breezeway area is outside the current lease area and would need a BCDC permit amendment and be incorporated into an amended lease with the Port.

The breezeway area has minimal public access value with the current configuration. There are no water views from this area and little incentive for the public to want to congregate in this location.

Planters

This part of the project is to install 16 movable planters at locations shown on the plan around the perimeter of the Pavilion. The planters are placed at critical sections of the wall that have a probability of being hit by vehicles when the walls are in place. These planters use the same aluminum-diamond paint and powder-coated marine paint design used in the Pavilion's movable-wall system. Each of the 16 planters will occupy 4.7 square

feet, for a total of 75.2 square feet of common area used to site the planters. The planters will be maintained by Scott's Restaurant- the current lessee of the Pavilion.

The planters are intended to offer a green softening element to the plaza area and to supplement planters that have been in the area for years. They are also intended to protect the Pavilion structure and visitors from collisions with vehicular traffic in the area, including delivery and service vehicles.

2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.

The Pavilion occupies approximately 4,400 square feet of the approximately 23,000 square foot Franklin Street Plaza area. The Plaza is located at the foot of Franklin Street in Jack London Square, and is bordered by the center basin of the Jack London Square marina on the east and the Oakland Estuary on the south, as well as the vacated Water Street on the north. The Franklin Street plaza was converted from the Franklin Street self parking lot in 1985 to the plaza it is today. It is built on landfill that is supported by an historic quay wall. A portion of the plaza is over an historic pier on the south side. The pier has been in place since before 1950. There is no fishing or direct water access available in this area.

In the process of developing Jack London Square, the Port vacated the streets leading into Jack London Square (on the south side of Embarcadero -aka First Street). The Port then installed acres of interlocking concrete pavers throughout the Phase I area of Jack London Square, including the Plaza, consisting of red, white and gray units and creating patterns on the pavement. The Plaza hosts street furnishing including benches, lighting, and many large concrete planters with seasonal vegetation typical in an urban mixed use retail center. The curbs, gutters, sidewalks, benches, lighting, planters and pavers help blur the distinction between the streets and pedestrian ways, slow traffic, and invite pedestrian access to all areas.

Two restaurants—Scott's and Kincaid's—were constructed in the 1950's on piers over the Oakland Estuary bordering the Plaza on the south and west. The Plaza thus also provides needed service access to those restaurants as well as a public open space with views of the water on both the east and south. The Plaza also allows pedestrian access to Kincaid's front door and the Pavilion and other banquet facilities within Scott's restaurant. The Plaza houses the UN flag and a plaque dedicated to the charter/conference of the UN which took place in San Francisco in 1945. The plaza provides view access along the railing on the east to view the marina and beyond, and it also leads individuals to a public access walkway along the water that wraps along the water side of Scott's restaurant leading west to the Broadway pier and a viewing platform.

3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.

This project will not disturb Bay waters or Bay mud in the area as all work is being carried out on an existing pier and landfill.

The existing condition of the Oakland Estuary adjacent to the Pavilion is subject to typical tidal currents. The average depth immediately off the pier is no more than 15 feet as it is out of the dredged channel. The water column's turbidity appears to be improving as in other parts of the Bay. This part of the Oakland Estuary is subject to significant recreational vessel movement – not nearly as much commercial vessel traffic as once occurred.

4. Endangered or Threatened Species.

No species that are known to be threatened or endangered are known to exist in the project area, or are likely to be adversely affected by this project.

5. Identify any subtidal areas that are scarce or that have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).

There is no known scarcity of subtidal areas or particular abundance or diversity of marine life at the site.

6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.

There is no opportunity for the project to create additional storm water runoff or release of pollutants. All painting of the new modular/moveable wall system and other components, including the planters required a process known as powder-coating which must be accomplished in a controlled inside environment. All painting of the new components was completed prior to assembly - off site in a specially designed facility. No other changes to the site would enhance or inhibit current controls or create additional water pollution. There are no additional hard surfaces that are created and no practical method to change or modify rainwater collection or discharge systems. All pavement cleaning that is water based is done with a water collection vacuum system to eliminate polluted runoff.

7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.

No subsurface disturbance has been created by the construction of the new moveable wall system or improvements discussed in this permit application. There is known subsurface contamination generally located in various areas in Jack London Square as a result of its industrial history. The subsurface soil contamination was mitigated under the supervision of state regulatory authority to the extent required by law when the Phase I portion of the Jack London Square project was developed (including the construction of the Pavilion) which occurred during the period from 1985- 1990. No further environmental exposure to wildlife or humans exists as a result of this project.

8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.

There are no waste discharge requirements as a result of this project or its on-going operations and therefore no approvals under the authority of DTSC or the RWCQB are required.

9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.

Storage Room

Section 66602 of the McAteer-Petris Act requires that projects provide "maximum feasible public access." This project is consistent with this requirement because the storage room (along with the movable walls) enables the Pavilion to be transitioned from private use to public access quickly. The storage room is used to store

equipment necessary for private events (including electrical connections, lighting controls, climate control and amplification equipment, tables, chairs, carpets, catering equipment and stage risers) when the Pavilion is in public use. The proximity of the storage room to the Pavilion provides an efficient place to store this private event equipment when the Pavilion is in public use. The storage room enables the Pavilion to be converted to public use in less than 45 minutes after a private event. Storing this equipment at more remote locations would increase the time necessary to convert the Pavilion to public use after private events, and thus decrease public access. The storage room thus benefits public access, consistent with BCDC policies.

Breezeway

The breezeway provides maximum feasible public access in several ways. First, closing the door to the breezeway during private Pavilion events increases the security of those events and thus makes the entire waterfront a more attractive and safe destination for the public. Second, the breezeway door will only be closed during those times when private events take place at the Pavilion. Third, the breezeway area is currently not an attractive area for the public to gather, so the value of the public access lost to that area during private Pavilion events will be minimal.

Planters

The planters also provide maximum feasible public access in several ways. First, the planters increase the attractiveness of the Pavilion, and thus are likely to increase public use of the Pavilion. Second, the planters will protect the Pavilion structure from vehicular traffic, and thus increase the safety and longevity of public use of the Pavilion. Third, the planters, while heavy, are not fixed in place and are able to be moved to accommodate any changes in public use demands.

10. PROJECT PLANS: Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

To be attached.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay).

Attachment B

Box 5 – Public Access Information Attachment.

Box 5.a.1.

Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

The views on the project site exist as follows: The 23,000 sq. ft. Franklin Street Plaza is located at the foot of Franklin Street in Jack London Square. Water Street, which is a pedestrian street providing access to emergency and service vehicles, bisects Franklin Street. Water Street continues perpendicular to Franklin Street and connects with Broadway and Washington Streets on the west and Webster Streets on the east. The views from Water Street (standing at the foot of Franklin Street) include the center basin of the Jack London Square Marina to the east, Kincaid's waterfront restaurant to the immediate south and views of the Oakland Estuary to the west and east of Kincaid's. The view of the Oakland Estuary from the same vantage point towards the west provide an unobstructed 34 foot wide view corridor to the Estuary approximately 80 percent of the time when the Pavilion is open for public use. The authorized Pavilion design provides 18 foot wide view corridor through the plaza to the shoreline during private events.

In general, the views of the Oakland Estuary from the foot of Franklin Street are restricted by Kincaid's and on the west and by Scott's Restaurant. When the Pavilion is in public use, a filtered view of the Estuary exists looking past the Pavilion's lattice-like support structure. When walking towards the Estuary (entering the Franklin Street Plaza, the water's edge is viewed from the Franklin Plaza pier and a walkway, which permits pedestrians to continue along the Estuary west towards Broadway. The walkway/ pier constructed on the water side of Scott's leads to a pair of binoculars on the Broadway Pier installed by Scott's.

Vehicle access from downtown Oakland and Highway 880 is available from surface streets, which are listed above. There are two major parking structures that were constructed between Webster Streets and Clay Streets to support the mixed-use retail development including all the public access along the shoreline in Jack London Square.

Box 5.a.2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.

This application addresses elements of the proposed Pavilion wall project that will make the Pavilion a better and more attractive public space for years to come. With these improvements, the Pavilion should be able to attract additional guests over the next number of years. This proposed improvements promote one of the objectives of the McAteer-Petris Act by creating a unique and new (improved) opportunity for the public to experience the Bay. The result of construction and operation of these improvements will serve to continue to support the initial findings in the original permit under the McAteer-Petris Act. These improvements will assure that the Pavilion will continue its operations into the future. These improvements will permit the Pavilion to be open to the public for longer by reducing the time required to reopen the Pavilion to public access after private events.

In order to illustrate the public views with the Pavilion in its current condition (as of July 2013), an exhibit has been prepared showing how this project (excluding the planters) will affect various public views from locations along Water Street ..

The pictures were taken along with the accompanying view corridor graphics, are described from the western-most point (close to the Canoe and Kayak retail shop) to the easterly direction adjacent to the Center Basin of the Jack London Square Marina, as follows:

View A, shows the Pavilion roof line, but the view of the Estuary is generally obscured by the stacked Kayaks and Kincaid's.

View B, is 15 feet to the east of A and provides a view of the Pavilion that is less blocked by stored vessels. The view of the water is filtered by Street furniture, Kincaid's, signs on a bent pole and the Pavilion Structure, railings, planters and the like. From this vantage point, the water of the Estuary cannot be viewed directly as the Estuary is too narrow, so the shoreline is shown beyond (which is in Alameda). Any boats on the estuary would be visible, including the vessel docked in the Marina.

View C, is 15 feet to the east of B. This view shows more of the retail building occupied by the Canoe and Kayak operation, the stacked Canoes and Kayaks on racks, the Pavilion's permanent portion of the new wall system on the north, the west edge of Scott's Restaurant. The tables and chairs that are required to be set up in the Pavilion (during public use), the general Jack London Square street furniture, the railings, the westerly wall of Kincaid's, boats docked. It also shows the back panels of the moveable wall system stacked on the south and west side of the Pavilion (which are approximately in line with the angled south wall of Scott's Restaurant near the public access walkway over the water).

View D is 15 feet to the east of C. This shows all of what C's views are with additional street furniture and street trees in the foreground and the UN Flag pole and marker. From these vantage points, the water in the Estuary is difficult to see but the boats are as well as other marine elements give the visual clue.

View E is 15 feet to the east of D. This view illustrates that the new Pavilion moveable wall system does not (when in open to the public position) block the views of the Estuary; those views are already blocked by the existing Scott's Restaurant.

View F. This view is as far east on the Franklin Street/Water Street intersection as could be provided. This view shows a fuller view of the Pavilion which is filtered and framed by the interior structural supports. Note that temporary traffic barriers are evident.

The individual components of the project have the following impacts on public access and views:

Storage Room: The storage room is constructed between the Pavilion and Scott's restaurant. Unless a person were standing in the service area and over the access manholes to the undergoing grease traps for Scott's, there is little valuable water view from this site. The building does occupy 255 sq. ft. of unattractive area that would otherwise be open to public access, but having this building available will help Scott's keep the much more attractive Pavilion open to the public longer. Illustrated in the pictures taken in the view corridor study, the Storage room is not a visible element.

Breezeway Doorway: The Breezeway doorway is also adjacent to Scott's restaurant – farther north and away from the water. It is close to the south side service area to the Water Street II building (the retail building where Canoe and Kayak are tenants). There is also little valuable water view from this site. The

doorway will only be in use when the Pavilion is in private use. Illustrated in the pictures taken in the view corridor study, the Breezeway area is not a visible element.

The Planters: There are currently hundreds of planters in the common areas throughout Jack London Square. The planters are proposed to be located strategically to create pathways, keep vehicles out of certain areas and provide a focal point for visitors. There are proposed to be 16 new planters installed at the Pavilion. As noted, in the illustration on the included plan set (Illustration A.1), most of the planters are located at strategic locations such as corners and primarily along the north wall of the Pavilion where service vehicles frequent the delivery area. The primary purpose of the planters is to protect the wall-system when the Pavilion is in private use mode (and the walls are closed). The north section along the delivery area must be protected at all times. The planters are not blocking views and they are not intended to restrict use of the pavilion when the Pavilion in public use mode. By protecting the safety of the Pavilion area, the planters will improve public access in the area.

Box 5.a.3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

The use of the Pavilion for both public and private use should be enhanced with these improvements. In 2012, approximately 20,000 people used the site for private events. In general, during the year, the Pavilion requires approximately 35 full and part-time employees to manage the facility. This includes marketing staff, service staff to manage private functions as well as maintenance staff. The Pavilion is also used by the general public during public use, as tables and chairs are set up in the Pavilion and it is open for pedestrians to stroll through the area. There are no accurate numbers of Public Pavilion users as no count is maintained, but with the new tables and chairs and new signs, it is expected that more public use will take place. Additional signs will be installed to inform the public that the Pavilion is a public facility.

The Pavilion is one element of Jack London Square which is a retail/entertainment/restaurant/office mixed-use development on the Oakland Waterfront. The Jack London Square project was designed and parking developed to meet the parking demand requirements of this mixed-use development. Within less than one block from the project site, there is a 300-stall underground parking garage developed to service the activities and services in the vicinity of the Pavilion, including other retail businesses and restaurants. A valet program also exists at the foot of Broadway and the foot of Franklin Street. The new wall project would have little to no effect on these general facilities.

Box 5.a.4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Public Pavilion is a covered assembly area on the waterfront that can be used for both public and private events. There are no other covered assembly areas in Jack London Square. It provides shelter to those public events that might wish to take advantage of that feature. Through the years, working with BCDC - the Port and subsequent private developers created significant new shoreline public access. Since 1995, new public access walkways and handscape, piers, etc. have been created. In addition, green open spaces (which can be characterized as softscape that includes vegetation, grasses, trees, as well as plazas have been developed in Jack London Square.

The Public Pavilion is located in what was once a surface parking lot that has been transformed into the 23,000 square foot Franklin Plaza. The Pavilion occupies 4,400 square feet of that plaza. Jack London Square at one time in the mid-to late-1990's attracted 3 million annual visitors. That visitor count has suffered in recent years due to vacant retail and poor the downturn in the local and national economies.

Recently, however, both public and private uses of the Pavilion have begun to grow after several years in decline. These numbers are reflected in the recently reported annual events synopsis that was provided to BCDC staff showing the last five years of use. Private events, such as weddings and meetings, attract a new set of visitors, some who have not been to Jack London square of Oakland for many years, if ever. The first-time exposure to this area may help attract future visits to the area. The Pavilion serves as an attractor of first time visitors who hopefully will have a positive experiences when visiting this waterfront development. By improving the ability of Scott's to efficiently host private events, and then quickly transition back to public use, this project is likely to continue to contribute to the recovery and growth of public use of the area.

Attachment C

These are expanded answers to questions Box 5.b
Attachment 5.b

5.b.1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements:

The existing public access improvements within this portion of Jack London Square have been in place in part for nearly 30 years as part of a \$300 million Phase I development program approved for Jack London Square under BCDC permit number 1985 - 019 A, and are described as follows:

Jack London Square is a mixed - use waterfront entertainment oriented retail/office/hotel center located in a 12-block area generally at the foot of Broadway in Oakland. The project consists of several stand - alone waterfront restaurants that have existed since the early 1950's and included in improvements developed in the 1980's by the Port of Oakland and others as part of the Jack London Square Phase I development. The project consists of several other stand - alone retail buildings and office building with retail space located on the ground floors.

The Phase I development program, outlined in BCDC permit 1985 - 019 A, included new public access walkways along the water's edge that provides pedestrian access from the foot of Broadway (at a Broadway observation pier) via a pier-constructed walkway that passes between the water and the waterfront side of Scott's restaurant, which then connects to the Franklin Street Plaza (the location of the Public Pavilion). The Franklin Street Plaza is partially constructed on an historic Pier and serves as the entry area to the Kincaid's restaurant and well as provides service access to Kincaid's, Scott's and the Water Street I retail building. The plaza also provides for public access, benches, planters, lighting and landscape concrete pavers as well as railings at the water's edge. The Center basin of the Jack London Square Marina (completed in 2000) borders the plaza on the east and provides views and access to the public portion of the Marina including those docks providing for access to the water by California Canoe and Kayak. Within the Broadway/Franklin area of Jack London Square north of the Water Street walkway is the Broadway Underground Garage which has a capacity of 300 vehicles to service the retail and restaurants located near this area. Valet Parking is provided to both the foot of Broadway and the foot of Franklin Street under the BCDC/Port Vehicle Access Plan (VAP) which regulates traffic and parking in Jack London Square. These proposed improvements within the public access area are described in this application, which addresses the storage needs for the Public Pavilion, the need to create a breezeway for when the Public Pavilion is in private use, and planters that will serve as a decorative feature and as protection for the Public Pavilion wall system. These improvements are part of a larger project to enhance the Public Pavilion so that it is a more functional and attractive facility.

These combined improvements are designed to enhance the public enjoyment of the Plaza by providing more public use of the plaza because of the ease of transitioning the Pavilion from public to private use and then back to public use. The improvements to the Pavilion that are contemplated in this application have little to no effect on the existing public access for the entire Jack London Square area. The new planters provided needed protection to the wall system when the Pavilion is in Private use and provide a simply a visual green element similar to what other planters provide within the present Jack London Square development.

The improvements to the Pavilion that are contemplated in this application have little to no effect on the existing public access for the entire Jack London Square area. The new planters provide needed protection to the wall system when the Pavilion is in private use and provide a simply a visual green element similar to what other planters provide within the present Jack London Square development.

2. Describe how the public access area and facilities would be accessible to disabled persons.

Jack London Square was designed under the most current ADA laws at the time, and when upgrades or improvements are made ADA access is updated to provide access under the most current regulations, including ADA access to the Jack London Square Marina. All restaurants and Parking comply with current ADA regulations. All of the public access areas are at street level and open to disabled persons.

3. Describe the proposed connections to existing public streets or offsite public pathways.

All connections to existing public streets and the City of Oakland Street Grid remain unchanged as a part of this project and are covered under conditions and restrictions provided in the VAP.

4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.

BCDC has approved an agreement which, once executed and recorded, will permanently guarantee the public access for the Public Pavilion. The agreement is known as "Agreement Imposing Public Access Restrictions on the Use of Real Property".

Public access to the breezeway area (when in public use) is provided and will be incorporated into a revised agreement with the Port of Oakland to conform to BCDC requirements. Maintenance of the Pavilion and the common area occupied by the Pavilion is a requirement of the lease between the Port of Oakland and Scott's restaurant. The remainder of the public plaza area is maintained by the Jack London Square entertainment oriented retail center's Common Area Maintenance (CAM) plan, which has been in existence since 1995. The Port and current developer and their successors have entered into agreements tied to various ground leases requiring the funding of the CAM fees. The CAM fees are used to maintain the common areas and landscaping/lighting. Maintenance, operations and security of the area are maintained by the Common Area Manager hired by the Port of Oakland and the Developer/Building Owners of which the Port of Oakland is a 50% participating member.

5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

The upland project area is completely urbanized and not a habitat area for species or wildlife, and so public access to the site is not likely to have the potential to adversely affect wildlife.

PUBLIC PAVILION

Jack London Square
Oakland, California

SCOPE OF WORK:

Proposed storage, breeze door
and planter boxes



INDEX:

- A.0.1 VICINITY MAP
- A.0.2 PUBLIC ACCESS AND OPEN SPACE PLAN
- A.2 FLOOR PLAN
- ELEVATIONS
- SECTION
- DOOR SCHEDULE
- A.3 VIEW CORRIDOR PLAN

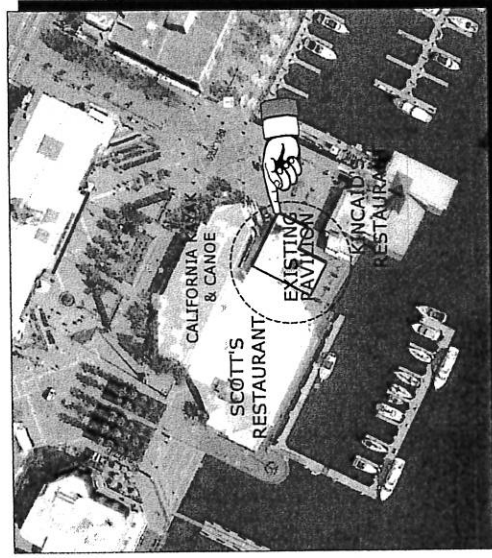
Presented by:

Steven Hanson, Consultant,
Scott's Seafood Restaurants

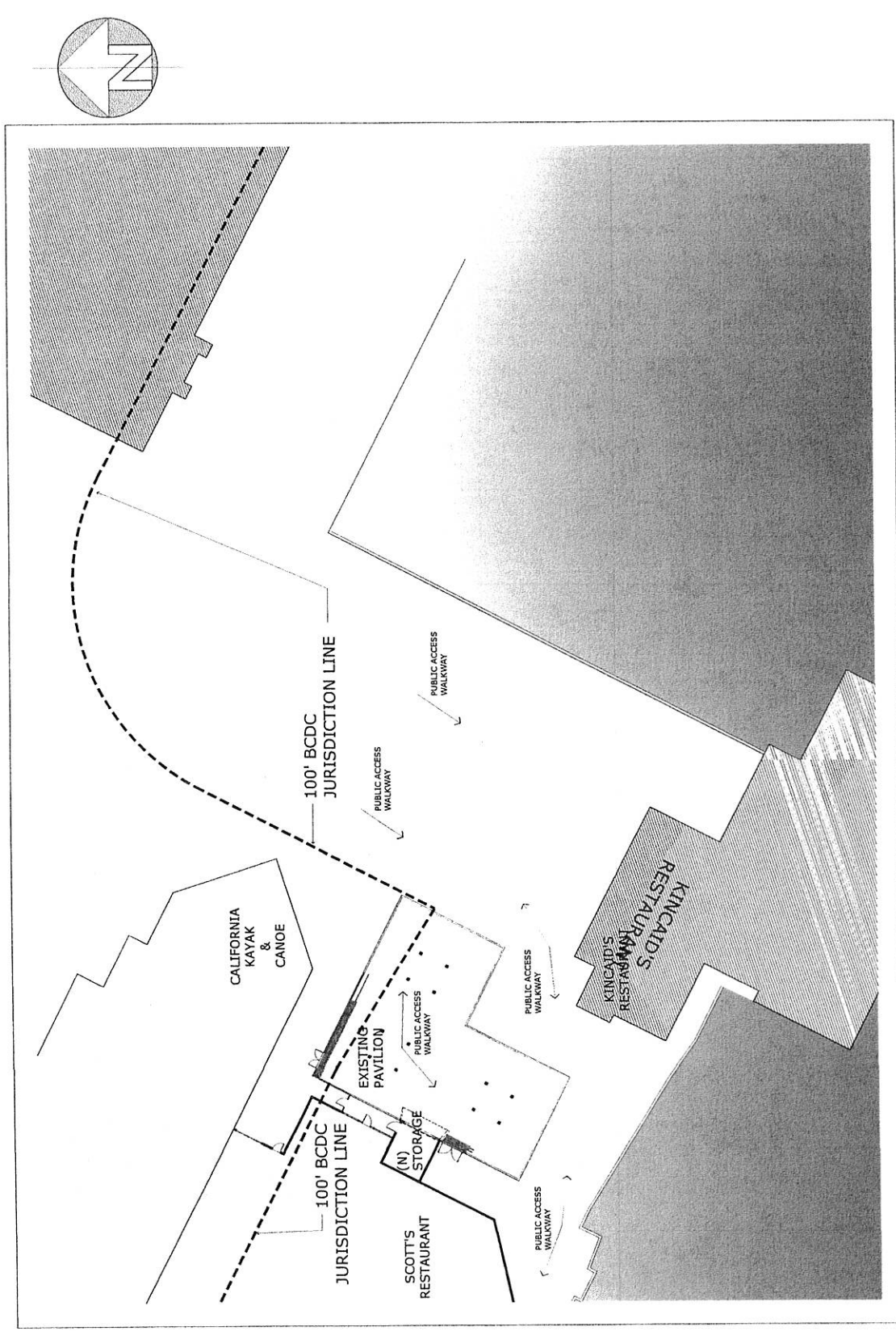
Steve Fagalde, President,
Scott's Seafood Restaurants

Drawn by:

Juan Rubio
RUBIO BOWDEN DESIGN



VICINITY MAP



PUBLIC ACCESS AND OPEN SPACE PLAN
scale: 1/16" = 1'-0"

WITH PANELS IN PRIVATE USE POSITION

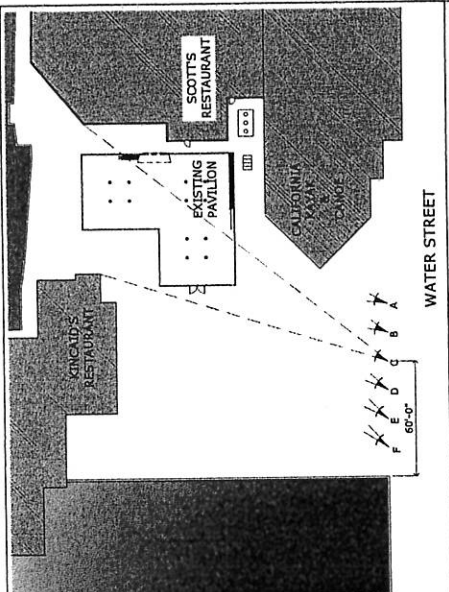
B STORAGE SECTION
WITH PANELS IN PRIVATE EVENT USE

PAVILION

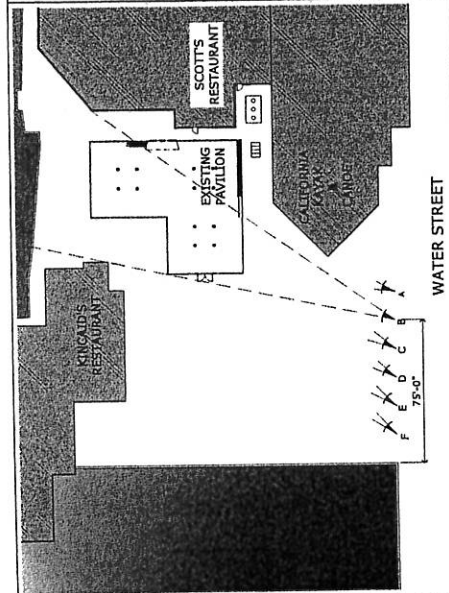
JACK LONDON SQUARE

JOB N° : 00132	REVISED
DATE : 07/24/2013	BY :
DATE :	BY :

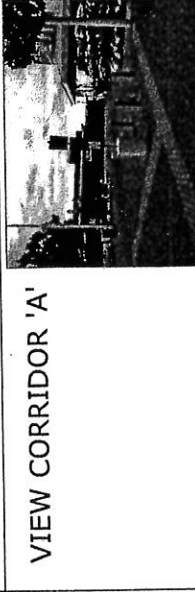
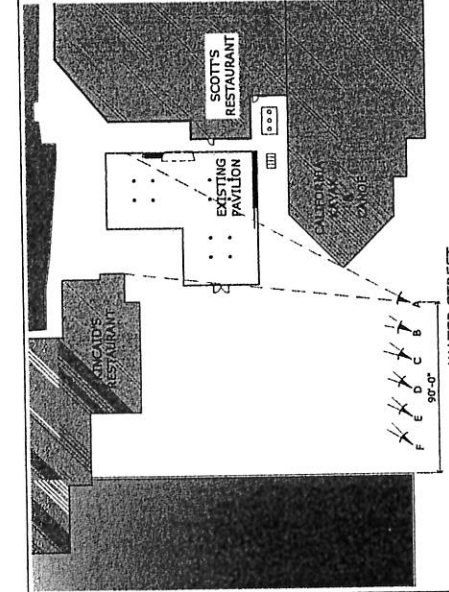
VIEW CORRIDOR PLAN



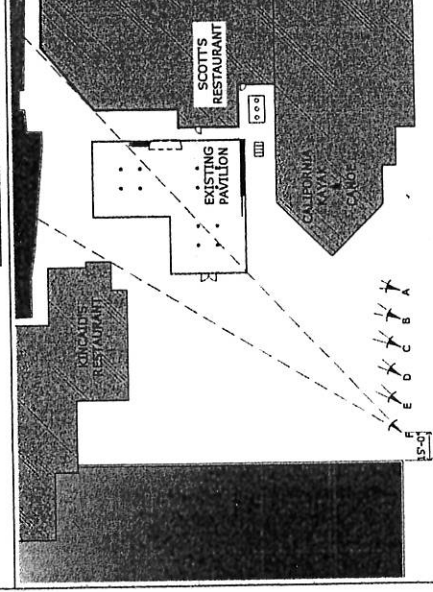
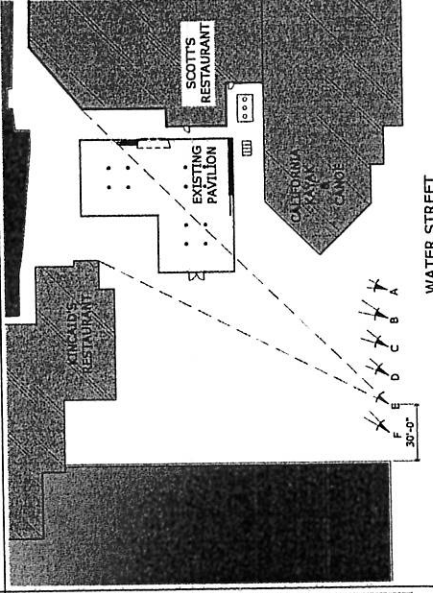
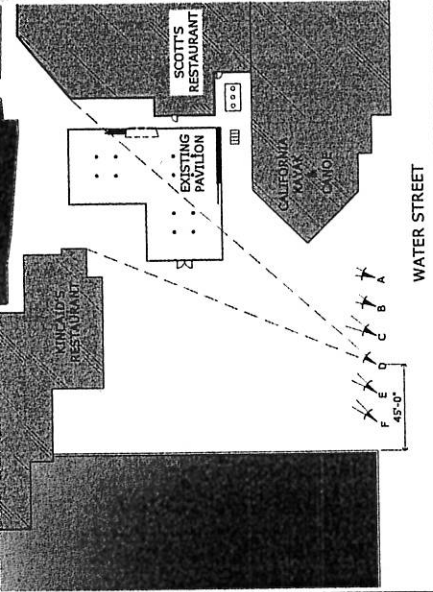
VIEW CORRIDOR 'A'



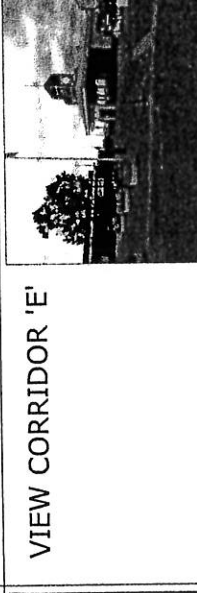
VIEW CORRIDOR 'B'



VIEW CORRIDOR 'C'



VIEW CORRIDOR 'D'



VIEW CORRIDOR 'E'



VIEW CORRIDOR 'F'

PUBLIC PAVILION

Jack London Square
Oakland, California

SCOPE OF WORK:

Proposed storage, breeze door
and planter boxes



INDEX:

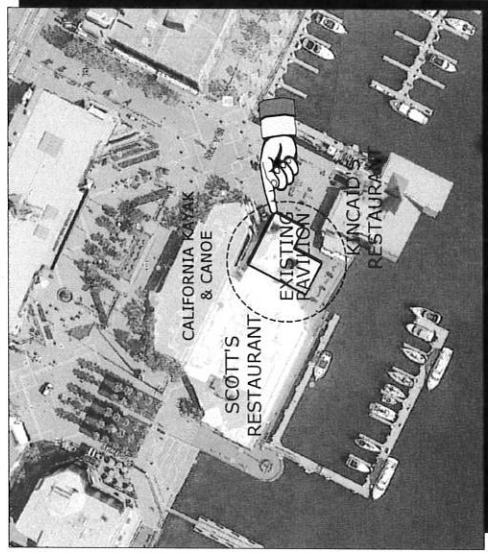
- A.0.1 VICINITY MAP
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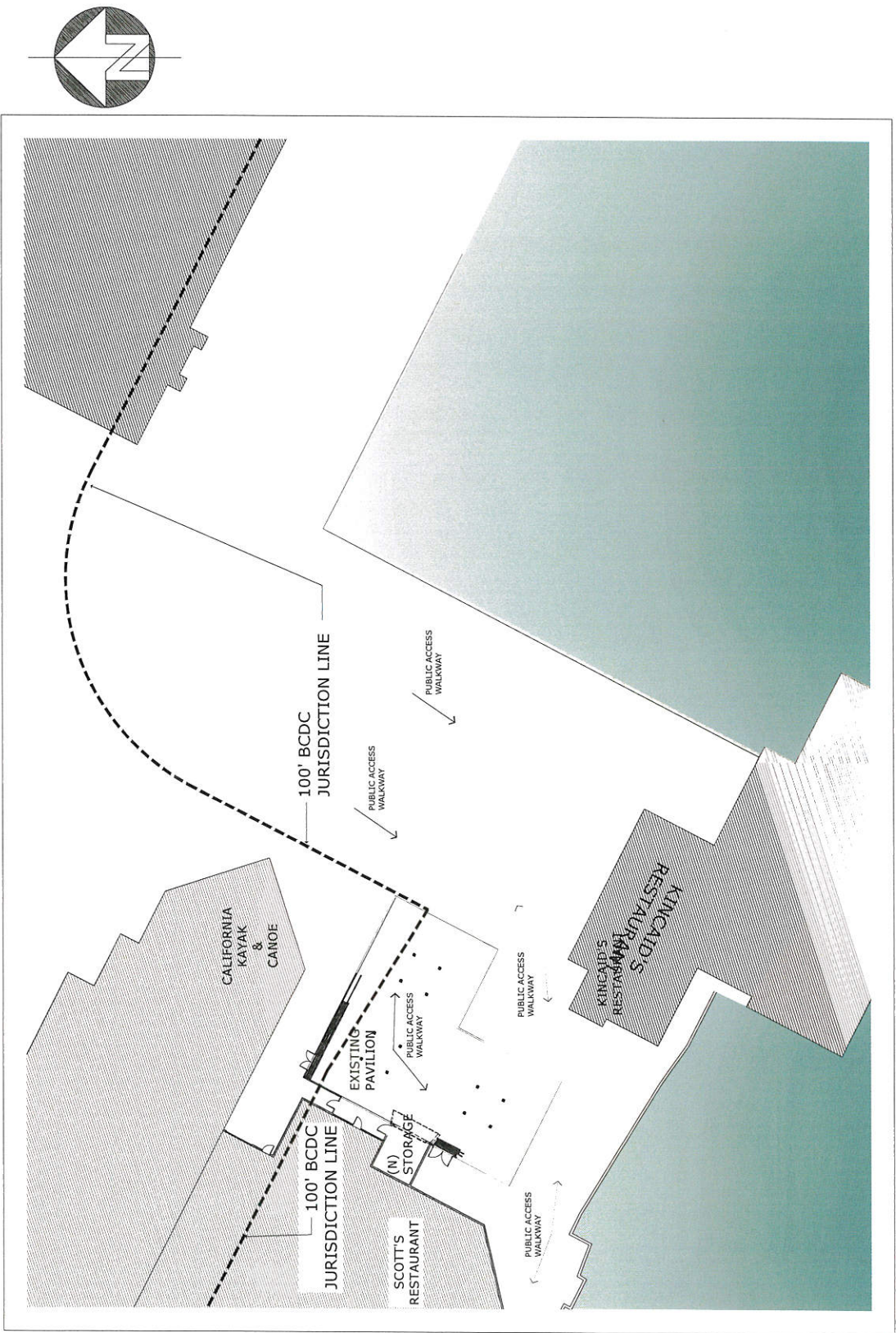
Steven Hanson, Consultant,
Scott's Seafood Restaurants
Steve Fagalde, President,
Scott's Seafood Restaurants

Drawn by:

Juan Rubio
RUBIO BOWDEN DESIGN



VICINITY MAP



PUBLIC ACCESS AND OPEN SPACE PLAN
 scale: 1/16" = 1'-0"

PAVILION PLAN VIEW

WITH PANELS IN PRIVATE USE POSITION

SCALE 1/4"=1'-0"

PORT OF OAKLAND - RENTAL BILLING INSTRUCTIONS

RBI # 013308

Bill the following starting: August 1, 2000
ending: July 31, 2001

Lease # P12205
Tenant # 7504
Parcel # 12900A

Billing Address:
Scott's Jack London Square
1719 Bonanza Street
Walnut Creek, CA 94596

Approval: June 16, 1987

Resolution No:

Ordinance No: 2755

RECEIVED
SEP 30 2013
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

PBA1 RR24 F-106 21,045 s.f. \$ 1.17

* 4.5 % of Gross Sales against Minimum Rent
(4th Supplemental Agreement)

Total: \$ 24,522.82

Contact: Michael Stagg
Phone: (510) 444-3456 Rest.

Ray Gallagher
(510) 934-4800

Supersedes
RBI: 013265

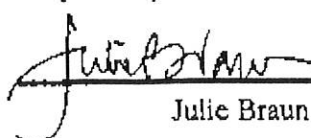
Business Type: REST
Agreement Type: LEAS
Next Action: July 31, 2001
Increase of minimum rent:

Agreement Date: April 9, 1987
Occupancy Date: December 12, 1984
Effective Date: July 16, 1987
Ending Date: August 31, 1941

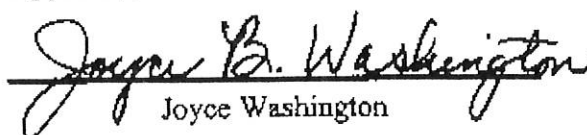
Provides for an increase in the minimum rent under Section 4.1.2 of Lease. Total Minimum Rent plus Percentage Rent paid between August 1, 1999 and July 31, 2000 was \$392,365.04; average = \$32,697.09 X 75% = \$24,522.82. This is more than previous Minimum Rent of \$23,106.19; therefore, the new Minimum Rent will be \$24,522.82.

Delinquent Penalty: 026 \$50.00 + 18.25% DUE ON 1ST, DELQ ON 21ST
% Delinquent Penalty: 051 \$50.00 + 8.25% DUE ON 15TH, DELQ ON 11TH
Utilities: Tenant Pays Utility Company
Performance Deposit: \$ 30,000.00

Prepared by:


Julie Braun

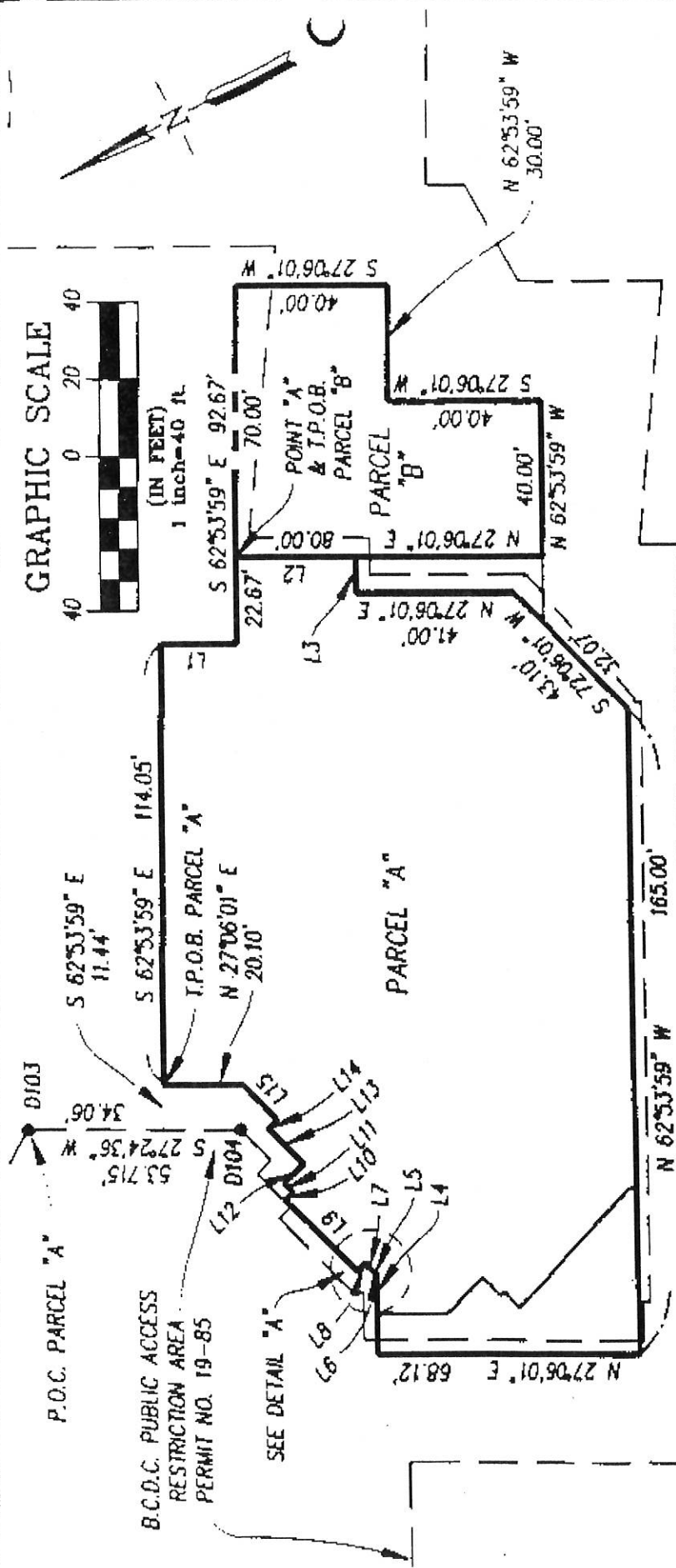
Approved:


Joyce Washington

Date prepared: September 5, 2000

Dist: 2-Finance, 3-CRED, Office Services, EOE, Facilities, Eng. Utilities, Julie Braun

GRAPHIC SCALE



LINE DATA (CONT.)

L8	N 17°53'59" W	2.80'
L9	N 72°06'01" E	25.73'
L10	S 17°53'59" E	2.80'
L11	N 72°06'01" E	3.10'
L12	S 17°53'59" E	7.00'
L13	N 72°06'01" E	12.50'
L14	S 17°53'59" E	3.30'
L15	N 72°06'01" E	12.80'

LINE DATA

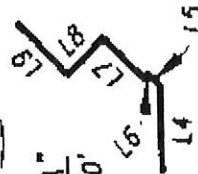
LINE	DIRECTION	DIST.
L1	S 27°06'01" W	19.60'
L2	S 27°06'01" W	31.20'
L3	N 62°53'59" W	9.50'
L4	S 62°53'59" E	20.11'
L5	N 72°06'01" E	0.90'
L6	N 17°53'59" W	0.33'
L7	N 72°06'01" E	3.10'

PARCEL AREAS

PARCEL "A" 20,760± SQUARE FEET

PARCEL "B" 4,400± SQUARE FEET

DETAIL "A"
SCALE: 1"=20'



SCALE: 1"=40'	DRAWN: SHP
DATE: 01/16/96	CHECKED: FAR
JOB NO.: M101681.42	
FILE NAME: SCOTT3.DWG	
SHEET 1 OF 1	

PLAT TO ACCOMPANY LEGAL DESCRIPTION SCOTT'S PUBLIC PAVILION

LEASE AREA
LOCATED IN THE PORT OF OAKLAND

Port of Oakland
530 Water Street
Oakland, California

DUPLICATE ORIGINAL

SIXTH SUPPLEMENTAL AGREEMENT

(Lease of Real Property
Located in City of Oakland,
County of Alameda)

Between

PORT OF OAKLAND

And

SCOTT'S JACK LONDON SEAFOOD, INC.,
a Corporation

Dated

November 7, 1995

↓
Scott's

Scott's Jack London Seafood, Inc.
Sixth Supplemental Agreement

1st page only

Subject: Re: Scott's

Date: Monday, November 25, 2013 at 5:02:58 PM Pacific Standard Time

From: Adrienne Klein

To: Peter S. Prows

BCC: Steve Goldbeck, Brad McCrea, John Bowers, Simran Mahal

Dear Peter,

Thanks very much for the update.

We are available to discuss your application filing questions and meet with you and the Port onsite, etc. when you are ready.

I can't help but mention that as of last week, we had had not yet received the executed legal instrument and I am certain we'd both like to see this particular violation resolved.

Happy Thanksgiving to you and yours, too.

Sincerely,

Adrienne

BCDC has moved!

Effective Monday, November 25, 2013, my contact information is:

Adrienne Klein
Chief of Enforcement
SF BCDC
455 Golden Gate Ave., Suite 10600
San Francisco, CA 94102
Direct: (415) 352-3609
Main: (415) 352-3600
Fax: (415) 352-3606

From: "Peter S. Prows" <pprows@briscoelaw.net>

Date: Monday, November 25, 2013 3:50 PM

To: Adrienne Klein <adriennek@bcdca.gov>

Subject: Scott's

Dear Adrienne,

Thank you for your voicemail message, and I hope the move to your new offices has gone smoothly. I write simply to give you a brief update on our response to your letters of 29 October. Steve Fagalde and I met with Richard Sinkoff of the Port last Thursday. Scott's is working together with the Port to get you the additional information your letters request, and to address the concerns expressed in those letters. I don't yet know exactly how long that will take, but we are working as quickly as possible. I do have a few fairly technical questions that I hope I could meet or speak with you about soon (such as about the appropriate application fee). I also hope that BCDC staff, the Port, and Scott's can get together for a site visit, and then a sit-down meeting, before a formal response to your letters is submitted.

I look forward to talking with you soon. And Happy Thanksgiving to you and the rest of BCDC's staff.

Sincerely,

Peter

Peter Prows
Briscoe Ivester & Bazel LLP
155 Sansome Street, Seventh Floor
San Francisco, CA 94104
415.402.2708 (direct)
415.994.8991 (cell)
415.398.5630 (fax)



Making San Francisco Bay Better

October 29, 2013

Peter Prows
Briscoe Ivester & Bazel LLP
155 Sansome Street, Seventh Floor
San Francisco, California 94104

AND

Richard Sinkoff, Director of Environmental Programs and Planning
Port of Oakland
530 Water Street
Jack London Square
P.O. Box 2064
Oakland, California 94604

SUBJECT: Material Amendment Request for Permanent Outdoor Structures at
Scott's Jack London Seafood Restaurant
[BCDC Permit Application No. 1985.019.011B and
Enforcement Case No. ER2013.008]

Dear Mr. Prows and Mr. Sinkoff:

On September 30, 2013, we received in this office, by hand delivery, a permit amendment application from you on behalf of Scott's Jack London Seafood Restaurant and the Port of Oakland, as co-applicants, requesting after-the-fact authorization to install permanent outdoor structures at Scott's Jack London Seafood Restaurant located at 2 Broadway, in the City of Oakland, County of Alameda. These structures, which would be associated with the private use of the public pavilion include a permanent door and metal doorframe on the east wall of the public pavilion. Our review of the application has determined that it is incomplete pending the submittal of the following items:

1. **Total Project and Site Information.** From reviewing your application, it appears that the proposed project would involve the construction, use and maintenance of a permanent metal doorframe (after-the-fact) and glass-paneled doors on the east wall of the pavilion located in the Commission's 100-foot shoreline band. The application states that the doors are permanent and moveable. We understand this to mean that the permanent doors are "operable" but not "removable." However, please clarify whether or not the doors will be moved to another location when the pavilion is in public use.

The application does not request authorization for the following items shown on the plans and must be revised either to omit them from the plans or to include them as part of the project description, pending confirmation of the location of the shoreline band as described in item 3 below:

- a. The 40-foot-long section of the exterior non-retractable wall on the north side of the pavilion and door, which is already constructed. As you know, we have directed you on numerous occasions to shorten this wall from 40 to 30-feet so that it does not impact views to the Bay. We have also stated that at 30-feet in length, we may approve it through plan review. However, as you now want to retain the as-built length of 40-feet (please

clarify) and install a door in this permanent wall (also as built), it may not be approved through plan review and must instead be considered by the Commission as part of this material amendment. The existing permit authorizes the enclosure of the pavilion with removable canvas panels. Two years ago, when you proposed replacing them with retractable wall panels, we determined the proposal was sufficiently equivalent in design and nature to the existing authorization to enable an in kind replacement through plan review. However, this element of your self-described "design-build" pavilion enclosure exceeds the intent of the existing authorization;

- b. The two, five-foot-long retractable wall panels creating a 40-foot-long wall in its most retractable position interior to the wall described above and already constructed, which we have also directed you on numerous occasions to remove/reconfigure so that they do not impact views to the Bay. If modified to be no longer than 30-feet in their most retractable position, they can be approved by plan review as previously advised. If not, for the reasons described above, they must be considered by the Commission as part of this material amendment;
- c. All of the structures along the western pavilion wall: the exterior pavilion wall south of the storage area, already constructed, and the door that appeared in it for the first time in the drawings reviewed by Ms. Miramontes in her recent letter to you, dated October 18, 2013, not yet constructed; the roll-up door, wood "curtains," and awning that form the east wall of the storage area, already constructed and being used; and the wall(s) north of the storage area, one of which forms the east wall of the proposed breezeway, already constructed; and
- d. The illuminated exit sign near the metal doorframe and entry doors, already installed.

Please verify whether the proposed project has been described in full; if not, please provide any missing details and, if necessary, additional project information as required in Box 2 of the application form. In all cases, identify whether each structure for which you are requesting permission to build and use is constructed and in place or not.

- 2. **Project Plans.** Please revise the plans to either shorten the existing 40-foot-long exterior non-retractable north wall to 30-feet or to make it clear that you are requesting permission to retain them in the as-built configuration. Please make one of the same two revisions to the plans for the interior panels that are 40-feet-long in the open position. Finally, please revise the plans to include all of the walls and structures on the west pavilion wall. In all cases, the plans must distinguish existing authorized, existing unauthorized and proposed structures from each other and distinguish the "A" and "B" permit areas from each other. One full size set of project plans and one reduced size set of project plans (8-1/2" x 11") must be submitted. Additional information may need to be included on the plans depending upon the scope of the proposed project. Once the project description and plan details have been finalized, we will again require multiple sets.

3. **BCDC Jurisdiction.** It appears that you may have incorrectly identified the location of the 100-foot-shoreline band on the drawings you have submitted with your application. Its location is important, as it will determine which portions of the pending request fall within our regulatory jurisdiction. Enclosed are copies of two exhibits from Permit No. 1985.019A that, unfortunately, depict the shoreline band in two different locations. Although the exhibits are inconsistent with each other, they both depict the shoreline band inland of the location depicted on your application plans. We suggest that you work with us to clarify the precise location of the Commission's jurisdiction and then modify the current plans to show the correct location of the shoreline band.

The McAteer-Petris Act provides that the Commission's shoreline band jurisdiction is the 100-foot-wide strip of land located inland and parallel to the mean high tide line. At this vicinity, the mean high water line is 5.67 feet NAVD 1988 datum (using the Oakland Inner Harbor Tidal Station). The shoreline is measured from the location where the Bay water meets the land, which in some areas of the project site will be under the pile-supported structure at the foot of Franklin Street.

4. **Processing Fee.** Thank you for providing an application-processing fee of \$1,400 for a project with a total project cost (TPC) (definition attached) of \$50,000. As appropriate, please revise the total project cost of \$50,000 to reflect the modifications outlined above. Also, for projects resulting from an enforcement action, the regulations state that the application fee will be double the normal fee. Therefore, to enable the continued processing of the application, please submit the requisite difference. The application fee is double \$1,400 if the TPC for this amendment is between \$50,000 and \$100,000, double \$1,800 if it is between \$101,000 and \$200,000, or double \$2,200 if it is between \$201,000 and \$300,000.
5. **Environmental Documentation.** Thank you for informing us that, as part of its review of this project, the City of Oakland will act as the lead agency and, therefore, prepare the necessary environmental documentation, as required under the California Environmental Quality Act (CEQA), in the form of a categorical or statutory exemption, negative declaration, or other certified environmental impact document. When available, please submit the City's determination.
6. **Local Government Approval.** Thank you for informing us that local discretionary approval is required and being sought from the City of Oakland. Please submit the name of the planner with whom you are working and, when available, all the relevant documentation that clearly indicates that you have received all the local government discretionary approvals required for the project.
7. **Public Notice.** Please find enclosed the completed "Notice of Application" which the Commission's regulations require to be posted at or near the project site in a prominent location before a permit application can be filed. Please post the Notice so that it will be visible to the members of the public, complete the form that certifies that you have posted the Notice, and return the form to the Commission's office.

Until the above-mentioned information is submitted and reviewed for adequacy, your application will be held as incomplete.

Other Issues

In addition to the issues cited above, the following matters should be considered in submitting additional materials to us as part of the application process:

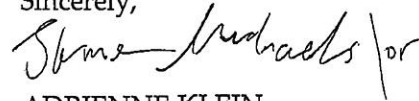
1. **Public Access.** As you are aware, the Commission's law and policies require that proposed development provide the maximum feasible public access consistent with the project. The staff would not be able to recommend approval to the Commission for a proposal that does not provide maximum feasible public access consistent with the project.

The proposed project involves constructing a metal entry doorframe and doors on the east wall of the pavilion and permanent walls on the west and north sides of the pavilion, portions of which would be located in a dedicated public access area. We are concerned that these proposed permanent structures may adversely impact the unencumbered nature of the required public access areas. Therefore, please provide more information about the proposed diminution of public space. Please describe why the proposed permanent 40-foot-long wall and panel's interior to it cannot be shorter. Please also describe why the proposed permanent entry doorframe and doors cannot be as temporary like the private events, which are authorized to occur only 20% of the time. Finally, your proposal, which we have determined adversely impacts existing required public access, does not include any new access improvements to offset the adverse impacts of the proposed project. We believe the best approach would be to avoid or minimize the potential public access impacts by modifying the proposal to remove all or some of the proposed structures. Alternately, you may supplement the proposal to include a public access proposal to offset the adverse impacts of the project.

If public access is proposed as a part of your project, please provide a description of the proposed public access area and improvements and include a public access and/or open space exhibit that clearly indicates the area to be dedicated as public access and/or open space. The exhibit must be legible when the exhibit is reduced to 8-1/2" x 11" and include a graphic scale. Public access improvements should be sited and designed, managed and maintained in a manner that is consistent with Commission's relevant San Francisco Bay Plan policies. If your proposal does *not* include new public access, please provide a statement as to why access and associated improvements are not feasible at the project site or why in-lieu public access near the project site is not feasible.

If you have any questions, please do not hesitate to contact me at 415-352-3609 or adriennek@bcdcc.ca.gov

Sincerely,



ADRIENNE KLEIN
Chief of Enforcement

AK/ms

Encl.

cc: Steve Fagalde, Scott's Restaurant
Caroline Morris, Ellis Partners LLC
Steve Hanson, Consultant to Scott's Restaurant

BCDC PERMIT APPLICATION NO.
1985.019.011B

Scott's Jack London Seafood Restaurant
and the Port of Oakland, as co-applicants

CERTIFICATION OF POSTING OF NOTICE

Adrienne Klein, Chief of Enforcement
San Francisco Bay Conservation
and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

RE:

Within the Commission's 100-foot shoreline band jurisdiction, replace a canvas pavilion enclosure with a wall panel system that involves the construction, use and maintenance of: (1) A permanent metal doorframe (after-the-fact) and glass-paneled doors on the east wall of the pavilion; (2) A 40-foot-long, non-retractable wall with door on the north side of the pavilion (after-the-fact); (3) Two, five-foot-long retractable wall panels creating a 40-foot-long wall in its most retractable position interior to the wall described in #2 above; (4) On the western pavilion wall, an exterior pavilion wall (after-the-fact) with door south of the storage area, a roll-up door, wood "curtains," and awning that form the east wall of the storage area (after-the-fact), and one or two wall(s) north of the storage area, one of which forms the east wall of the proposed breezeway (after-the-fact); and (5) An illuminated exit sign near the metal doorframe and entry doors (after-the-fact).

(brief description of project)

I,

(name of applicant or agent)

hereby certify that on _____

(date)

I or my agent or employee posted in a prominent location at or near the project site the Notice of Application provided by the San Francisco Bay Conservation and Development Commission.

Date: _____ By: _____
(Signature)

Title: _____
(Title)



Making San Francisco Bay Better

I,

(name of applicant or agent)

hereby certify that on _____
(date)

I or my agent or employee posted in a prominent location at or near the
project site the Notice of Application provided by the San Francisco Bay Conservation
and Development Commission.

Date: _____ By: _____
(Signature)

Title: _____
(Title)



Making San Francisco Bay Better

DATE POSTED: _____

NOTICE OF PERMIT APPLICATION

NOTICE is hereby given that:

Scott's Jack London Seafood Restaurant and the Port of Oakland, as co-applicants,
have applied for a **MATERIAL PERMIT AMENDMENT** to the **SAN FRANCISCO BAY CONSERVATION &
DEVELOPMENT COMMISSION** to:

Within the Commission's 100-foot shoreline band jurisdiction, replace a canvas pavilion enclosure with a wall panel system that involves the construction, use and maintenance of: 1. A permanent metal door-frame (after-the-fact) and glass-paneled doors on the east wall of the pavilion; 2. A 40-foot-long, non-retractable wall with door on the north side of the pavilion (after-the-fact); 3. Two, five-foot-long retractable wall panels creating a 40-foot-long wall in its most retractable position interior to the wall described in #2 above; 4. On the western pavilion wall, an exterior pavilion wall (after-the-fact) with door south of the storage area, a roll-up door, wood "curtains," and awning that form the east wall of the storage area (after-the-fact), and one or two wall(s) north of the storage area, one of which forms the east wall of the proposed breezeway (after-the-fact); and 5. An illuminated exit sign near the metal door-frame and entry doors (after-the-fact).

at **THE PROPERTY** known as:

Scott's Jack London Seafood Restaurant located at 2 Broadway, in the City of Oakland,
Alameda County.

Comments on the proposed project should be submitted immediately in writing or by contacting the Commission,
Attn: ADRIENNE KLEIN, CHIEF OF ENFORCEMENT, at 415/352-3609
Permit application, any supplementary materials and notice of any hearings related to the above project,
are available for review upon request.



ARCUS
ARCHITECTURE
& PLANNING
115 South Main
Suite 100
Oakland, CA 94612
(415) 778-1000
(415) 778-1001
(415) 778-1002

PUBLIC
PAVILION

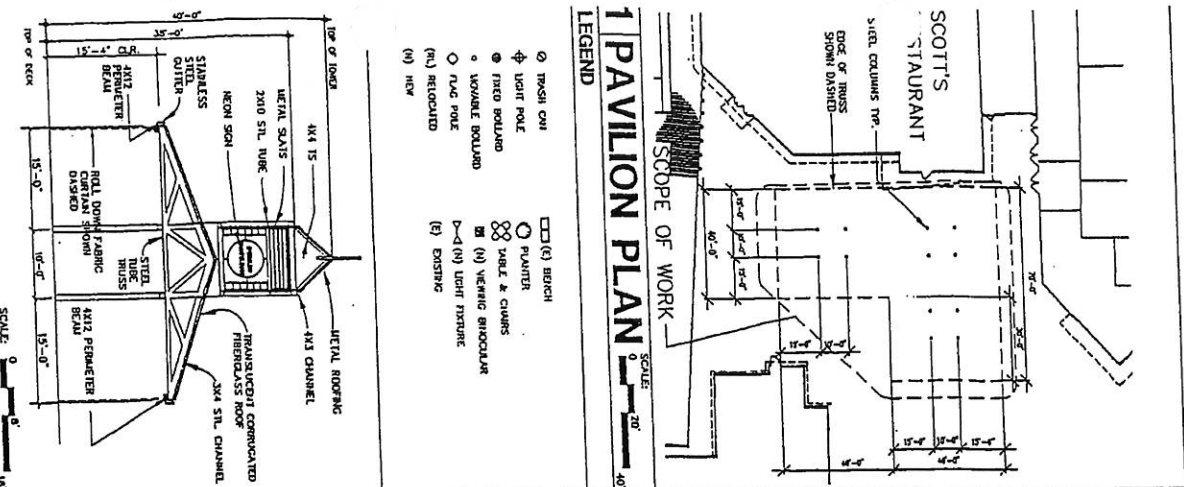
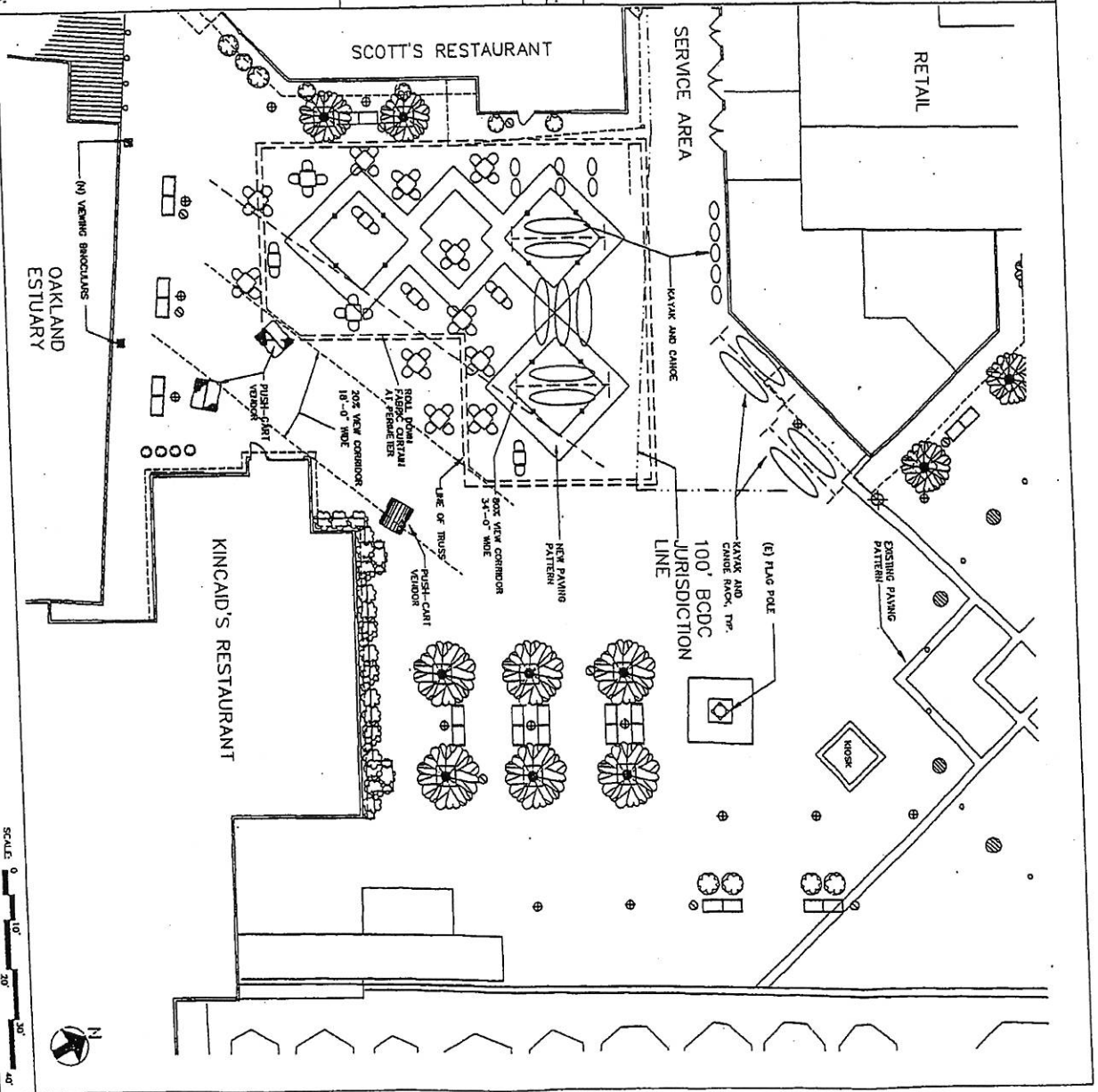
12 BROADWAY
OAKLAND, CALIFORNIA

No.	Revision	By
1	1/2/75	SK
2	1/2/75	SK
3	1/2/75	SK
4	1/2/75	SK
5	1/2/75	SK
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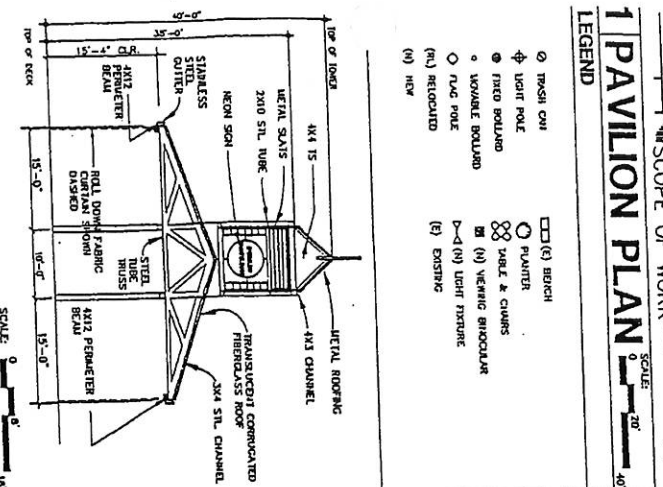
SITE PLAN
TOWER SECTION &
DIMENSION PLAN

SK-2 of 4 sheets

1/2" = 1' - 0"



2 TOWER SECTION



3 SITE PLAN

Appendix M

Commission Permit Application Fees

(a) All applicants for a Commission permit, permit amendment or amendment to an application shall submit as part of the application an application fee as identified in the following sections.

(b) The following permit application fees shall be effective until December 31, 2013 or until the Executive Director re-calculates the fees under subsection (c), whichever is later.

Type of Permit Application	Application Fee 2008-2013
Abbreviated Regionwide Permit	\$100
Regionwide Permit	\$100
Time Extension for any permit	\$150
Nonmaterial Amendment To a Minor Permit Other Than a Time Extension With a Total Project Cost (TPC) of:	
—Less than \$5,000	\$100
—\$5,000 to \$50,000	\$150
—\$50,001 to \$100,000	\$200
—\$100,001 to \$600,000	\$300
—\$600,001 to \$100 million	0.05% of TPC
—more than \$100 million	\$100,000
Nonmaterial Amendment To a Major Permit Other Than a Time Extension With a TPC of:	
—Less than \$5,000	\$100
—\$5,000 to \$50,000	\$150
—\$50,001 to \$100,000	\$200
—\$100,001 to \$600,000	\$600
—\$600,001 to \$100 million	0.10% of TPC
—more than \$100 million	\$100,000
Material Amendment to permit	Same as for first time application
Material Amendment to application	75% of original application fee
Emergency Permit	Same as for project as if not an emergency
Minor Permit with a total project cost (TPC) of:	
—Less than \$5,000	\$150
—\$5,000 to \$50,000	\$175
—\$50,001 to \$100,000	\$350
—\$100,001 to \$600,000	\$1,050
—\$600,001 to \$10 million	0.12% of TPC
—\$10,000,001 to \$50 million	\$12,000 or 0.10% of TPC, whichever is greater
—\$50,000,001 to \$100 million	\$50,000 or 0.08% of TPC, whichever is greater
—\$100,000,001 to \$300 million	\$80,000 or 0.06% of TPC, whichever is greater
—\$300,000,001 to \$600 million	\$180,000 or 0.04% of TPC, whichever is greater
—more than \$600 million	\$240,000
Major Permit with a total project cost (TPC) of:	
—Less than \$50,000	\$350
—\$50,000 to \$100,000	\$700
—\$100,001 to \$200,000	\$900
—\$200,001 to \$300,000	\$1,100
—\$300,001 to \$600,000	\$1,200
—\$600,001 to \$10 million	0.20% of TPC
—\$10,000,001 to \$50 million	\$20,000 or 0.17% of TPC, whichever is greater
—\$50,000,001 to \$100 million	\$85,000 or 0.14% of TPC, whichever is greater
—\$100,000,001 to \$300 million	\$140,000 or 0.11% of TPC, whichever is greater
—\$300,000,001 to \$600 million	\$330,000 or 0.08% of TPC, whichever is greater
—more than \$600 million	\$600,000

(c) Calculation of Permit Fees for Subsequent Years.

(1) For each five year period following the effective date of this regulation, commencing in 2013, the Commission will calculate:

(A) the average fiscal year revenue generated from fees collected over the prior five years;

(B) the highest fiscal year total regulatory program costs (TRP) over the prior five years;

(C) twenty percent of the highest TRP ("target revenue").

(2) If the average revenue generated from fees is within five percent of the target revenue, then the Executive Director will not recalculate new fees from the following five years.

(3) If the average revenue generated from fees is more than five percent higher or lower than the target revenue, then the Executive Director will calculate new fees according to the method specified in subparagraph (4).

(4) Calculation Method. If new fees will be calculated pursuant to subparagraph (c)(3), the Executive Director shall use the following method.

(A) No earlier than July 1 and no later than October 1 of 2013 and in five year increments thereafter, the Executive Director shall calculate the fees that will apply to applications received in the following five calendar years.

(B) The fees shall be calculated in the following way:

(i) Divide the target revenue derived from subparagraph (c)(1)(C) by the average revenue generated from fees derived from subparagraph (c)(1)(A). This is the adjustment factor.

(ii) Adjust the permit application fees by multiplying each fee by the adjustment factor.

(5) The "total regulatory program costs" (TRP) shall be based on the amount of revenue appropriated to support the Commission's regulatory program in the Budget Act for that fiscal year. The total regulatory program costs shall be calculated by: (A) identifying the direct costs for employee compensation, contracts, and equipment and facilities that are allocated to the Commission's permit and enforcement activities; (2) adding to the direct costs the indirect costs such as administrative, legal, and other support allocated to the regulatory program; and (3) subtracting any reimbursements, grants, abatements or other income received to support regulatory program activities.

(6) The adjusted fees shall be effective on January 1 of the following calendar year and shall remain effective for five years or until the Executive Director calculates the new fees, whichever is later. All calculated figures shall be rounded up to the nearest dollar.

(d) Total Project Cost.

(1) "Total project cost," means all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project plus the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction.

(2) The total project cost for an amendment to a permit shall consist of only the total project cost of the subject matter of the amendment application.

(3) The Commission shall use the cost stated by the applicant in the application to BCDC to determine the total project cost unless the Executive Director determines that the amount stated does not appear to include the total project or to reflect accurately all project costs.

(4) Whenever the Executive Director determines that the stated project cost does not appear to include the total project cost or to reflect accurately all project costs, he or she shall return the application unfiled and state his or her reasons for concluding that the total project is not included or why the stated cost does not accurately reflect all project costs or the Executive Director shall hold the application unfiled until the applicant verifies the total cost figures by having an estimator selected by the Executive Director and prepaid by the applicant review and certify as complete and accurate all project costs.

(e) Fees for Projects Involving More than One Category. Projects involving two (2) or more categories, (i.e., shoreline construction and filling as part of one (1) project), will not be charged the total of the fees that would be due if each part of the project were considered as a separate application. Rather, the fee is the single amount due under highest fee category into which the project falls.

(f) When Fees are to be Paid. All fees shall be paid before the Commission files a permit application. No fees shall be charged for preliminary inquiries and requests for information prior to the filing of an application.

(g) Refunds.

(1) A \$100 refund of an administrative permit application fee shall be made if the application is withdrawn prior to the mailing of the adminis-



Making San Francisco Bay Better

September 6, 2013

John Briscoe
Briscoe Ivester & Bazel LLP
155 Sansome Street, Seventh Floor
San Francisco, California 94104

AND

Pamela Kershaw, Director of Real Estate
Port of Oakland
530 Water Street
Jack London Square
P.O. Box 2064
Oakland, California 94604-2064

SUBJECT: Violations at Scott's Jack London Seafood Restaurant
(BCDC Permit Nos. 1985.019A and 1985.019B and
Enforcement File No. ER2013.008)

Dear Mr. Briscoe and Ms. Kershaw:

In anticipation of sending this letter, I spoke with Peter Prows on September 5th for a progress report regarding the above-noted enforcement case. While I understand that efforts are underway, you have not resolved seven of eight violations.

This letter summarizes the violations and penalties described to you in the enforcement letter, dated May 16th and the follow-up letter, dated July 18th. As of July 18th, you had resolved only the event reporting violation. As of the date of this letter, seven weeks later, no more violations have been resolved.

On June 4th, Scott's Jack London Seafood Restaurant (Scott's) submitted a draft legal instrument without exhibits to dedicate the public access area and has since submitted one revision in response to staff comments to which staff responded on June 10th. On July 23rd, Scott's submitted a revised draft with exhibits to which staff responded on August 2nd. On August 5th, Scott's submitted a lease and on August 7th, Scott's submitted a third draft of the legal instrument to which staff responded on August 23rd. We look forward to soon receiving and approving a final draft for signature and recordation.

As of September 5th, you had not submitted revised plans for the retractable wall panel system, pursuant to the direction provided by Ellen Miramontes on May 30th. However, pursuant to my call to Mr. Prows, he electronically submitted a set of revised plans and stated that we would soon be receiving a large-scale, print version. You have not removed the unauthorized structures at the pavilion pursuant to the direction provided by BCDC in the 35-day enforcement letter, dated May 16th. Neither have you submitted a revised amendment request to retain the unauthorized structures at the pavilion, pursuant to the direction provided in the 30-day application filing letter, dated May 16th, although by email dated September 3rd,

John Briscoe
Pamela Kershaw
September 6, 2013
Page 2

Douglas Herman, with the Port of Oakland, informed Ms. Miramontes that he and Scott's consultant will soon submit an application. Neither have you submitted plans for the required public access improvements nor installed them pursuant to approved plans.

As of today's date, the standardized fines have accrued to \$41,600 as follows:

1. \$4,800 each for Scott's failure to: (a) obtain staff approval of plans for the pavilion; (b) obtain staff approval of a legal instrument; and (c) install the required public access improvements pursuant to staff approved plans (\$3,000 each through August 19th plus \$100/day for 18 days), which equals \$14,400; and
2. \$6,800 each for the four unauthorized structures (\$5,000 each through August 19th plus \$100/day for 18 days), which equals \$27,200.

Fines will continue to accrue at \$100/day/violation until you have resolved each of the seven pending violations.

In the 35-day enforcement letter, dated May 16th, we informed you that if you did not resolve the violations as outlined therein by July 1st, the staff would commence a formal enforcement proceeding. Until now, we have deferred taking this action to allow you additional time to achieve compliance with your permit and the law. However, we are presently concerned by your lack of progress toward resolving this matter in a timely and thorough fashion. At any time, we may commence a formal enforcement proceeding.

Sincerely,



ADRIENNE KLEIN
Chief of Enforcement

AK/ms

cc: Caroline Morris, Ellis Partners LLC

Subject: Scott's moveable wall system drawings (Permit No. 1985.019BB and Enforcement Case No. ER2013.009)

Date: Thursday, September 5, 2013 3:02:01 PM Pacific Daylight Time

From: Adrienne Klein

To: Peter S. Prows

CC: Ellen Miramontes

Peter,

Thanks for the revised plans entitled "Public Pavilion – New Collapsible, Enclosure Walls For the Public Pavilion," prepared by Rubio Bowden Design and dated 7/24/13.

We look forward to receiving the large scale hard copies and we hope that this set is consistent with the requirements of Scott's permit and Ellen Miramontes' direction in all her correspondence, especially her most recent.

Sincerely,

Adrienne Klein
Chief of Enforcement
SF BCDC
50 California Street, Suite 2600
SF CA 94111
www.bcdc.ca.gov
415-352-3609

From: "Peter S. Prows" <pprows@briscoelaw.net>

Date: Thursday, September 5, 2013 2:35 PM

To: Adrienne Klein <adriennek@bcdd.ca.gov>

Subject: moveable wall system drawings

Adrienne,

Thanks again for the call this morning. Attached is an electronic copy of the revised plan drawings for the moveable wall system. We're having full-size hard copies made for you now.

Subject: RE: Scotts

Date: Tuesday, September 3, 2013 12:29:04 PM Pacific Daylight Time

From: Douglas Herman

To: Ellen Miramontes

CC: adriennek@bcdc.ca.gov, Douglas Herman

Thank you, Ellen.

I don't think it's necessary that we speak by phone at this time. The consultant for Scott's will revise the applications and then we can speak if necessary...thanks

From: Ellen Miramontes [mailto:ellenm@bcdc.ca.gov]

Sent: Tuesday, September 03, 2013 12:13 PM

To: Douglas Herman

Cc: adriennek@bcdc.ca.gov

Subject: Re: Scotts

Doug,

I would just like to confirm then that you no longer wish to speak with us by phone this week? Just let us know and if this is not the case, Adrienne and I are happy to schedule a time with you for a phone conversation.

Regards,

--

Ellen Miramontes

Bay Design Analyst

SF Bay Conservation and Development Commission

50 California Street, Suite 2600

San Francisco, California 94111

415-352-3643

<http://www.bcdc.ca.gov/>

From: Douglas Herman <dherman@portoakland.com>

Date: Tuesday, September 3, 2013 11:54 AM

To: Ellen Miramontes <ellenm@bcdc.ca.gov>

Cc: Adrienne Klein <adriennek@bcdc.ca.gov>, Douglas Herman <dherman@portoakland.com>

Subject: Scotts

Hi Ellen,

Thank you for your voicemail regarding Scott's at Jack London Square. I'm working with Scott's consultant on the Permit Applications and hope to submit to you in the next few days....thanks

Douglas Herman

Environmental Scientist

Port of Oakland

530 Water Street

Oakland, CA 94607
(o) 510- 627-1184
dherman@portoakland.com



Making San Francisco Bay Better

May 30, 2013

Mr. Steve Fagalde and Mr. Steven E. Hanson
Scott's Restaurant
255 Third Street, Suite 102
Oakland, California 94607-4328

SUBJECT: BCDC Permit No. 1985.019.10B; Plan Denial and Response to April 16, 2013 Letter and Attachments; Public Pavilion at Jack London Square, Oakland, California

Dear Mr. Fagalde and Mr. Hanson:

We are writing in response to your April 16, 2013 letter and attachments, which included the documents listed below, and, which were received in our office on April 17, 2013. This letter provides our plan review response only for the retractable wall panel system to enclose the pavilion and does not address your amendment request for the permanent door element, permanent wall structure and planters. Our Chief of Enforcement, Adrienne Klein, sent you a letter on May 16, 2013 addressing these requests.

The letter and attachments have been reviewed pursuant to the authorization and requirements of BCDC Permit No. 1985.019.10B. After careful review, we have determined that the submitted documents include unauthorized features and do not provide sufficient information and are, therefore, **not approved**.

The following submitted documents are the subject of this letter:

- Fifteen 11 x 17 bound plans entitled "Public Pavilion: Jack London Square, Oakland, California," prepared by Juan Rubio of Rubio Bowden Design and dated October 5, 2012. Please note that although these plans are dated the same date as similar plans previously received by our office on October 31, 2012, these current plans reflect revisions and additional information since that date; and
- 11x17 unbound plans with hand drawings of the steel track system entitled "Pavilion Track" and dated August 10, 2012, which we had previously received by email on January 16, 2013. This set of plans also includes seven, previously not received, 11x17 sheets at the end of the set: one entitled "Pavilion Panel Layout" (undated), two entitled "Moveable Panels" (dated July 11, 2012), one entitled "Non-Moveable Fixed Panels A & B" (dated July 11, 2012), one entitled "Pavilion Service Door Frame" (undated), one entitled "Pavilion Waterfront Windows" (undated) and one entitled "Track Detail - Full Scale" (undated).

Although the plans and specifications that you have submitted thus far do include extensive information regarding the construction of the wall panel system, complete information that fully describes it has not been provided. For example, it is very important that the plans clearly indicate the dimensions of the stacked wall panels (width and length) when they are not in use. This information could be shown on Sheet A.2 or elsewhere. In order to prepare an approvable set of plans, it is also important that you remove items from the plans that are not currently authorized including the permanent door element, permanent wall structure and planters. As previously requested in our March 26, 2012, September 12, 2012 and March 14, 2013 letters, and as required by Special Condition II.A of the permit, please submit a complete construction document package for our review and approval, including plans, elevations, sections, details and specifications.

If you have any questions, please don't hesitate to contact me by phone at (415) 352-3643 or by email at ellenm@bcdC.ca.gov.

Sincerely,

ELLEN MIRAMONTES
Bay Design Analyst

EM/gg
cc: Julie Braun, Port of Oakland

Steve Fagalde

5/30/2013

1 Jenny Cushman

Onsite

2 Julie PoA

Meeting at

3 Monique Cushman

Pavilion

4 Larry BCDC

5 Brad BCDC

6 Steve Hanson - Scotts

7 A Klar - BCDC

Scotts Steve Fagalde - history

(4 guys - six hours - to install
existing pts confusing
easier to leave walls in place
now - 15 minutes to retract
everyone's been supportive
process confusing for plan approval
system not bought off of rack
uniquely made. cut, coated, tracks,
panelled.

pa space is btwn two garbage areas.

25K pple/year/private

backdoors of
two restaurants

— Steve says we have 2 quarterly reports
for end of 2012 & beginning of 2013

Julie asks ~~if~~ if public event prevails
over a private event. Brad says "yes"

Think more than 3 months ahead

2013 Events vs. Closures

Make it feel public

Install public furniture + signs

Planters been here 20 years.

Public Safety is a factor

Jack London scene not Scott's scene

synergy + community - Jenny

Steve Hanson - matrix

Where do tables & chairs go when
an event is in place? Brad says
how about use them to protect R.W.P. System

Jenny replaces Mary Ann Starn

Site Visit Preparation Notes

2012 report

182/183 vs 292/73

closed 104 + 78 days = 182 50.5% of time

✓ Provide 1st 1/4 2013 usage / closure. say we have it

✓ When can we expect amt. requests?

✓ Will you remove unauthorized structures?
If so, when? No

✓ events reports for 2008 through 2011

✓ Need plans, legal instrument, tables &
chains (15x4 + 5x2) signs

✓ Penalties accrue during removal plan
review

✓ Signs guidelines

✓ Day 36 is June 21st

✓ Benches / Planters to protect RWPS not
allowed material amt. needed

Have already not complied w/ 5/16
letter by mis using p.a. area of ports
pt. 8 by holding more events than
73



April 16, 2013

Sent via: US Mail (package)
And via email to those copied

Ellen Miramontes
Bay Design Analyst
San Francisco Bay Conservation and Development Commission (BCDC)
50 California Street, Suite 2600
San Francisco, CA 94111

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Subject: **BCDC Permit NO 1985.019.09B; Plan Review Response to March 14, 2013 Letter and Site Inspection- Public Pavilion**

Dear Ellen;

I have enclosed a time line of our efforts to work with BCDC in order to receive approval of our Public Pavilion modifications in Jack London Square. This time line shows our efforts to continually update our communication with all parties and move forward with the necessary permits.

We are appreciative of the hard work that the BCDC staff does in order to protect the public access to the waterfront and insure that any improvements implemented meet all the requirements of the original mandate that permitted BCDC's establishment as the protector of San Francisco Bay and its shoreline.

We have worked very hard in order to make the Public Pavilion a still better space that can be used effectively by the public as well as for private use and will continue our efforts to assure that the improvements that we are making meet your requirements and are of the highest quality.

As we have indicated, the goals of these improvements are to make the space efficient to use, comfortable and safe for private events and a better public venue. One of our chief goals has been to design a movable wall system that reduces substantially the time period it takes to transform the Pavilion from public to private use and back again. We believe we have accomplished this, but it has not been without considerable effort and expense.

As I have stated in the past, the system is so unique that every component needed to be adapted to the uses we are putting them to, as well, the effort requires considerable trial and error as this is a design-build project. We have, considered and experimented with several different options but the movable walls and the track system are the most adoptable system we could find that will meet all of the multiple objectives we desire.

When staff viewed the project in process at the on-site inspection on March 7, the panels were in the process of being adjusted to comply with the submittals sent to BCDC. We apologize that our original effort did not quite meet the concept in our conceptual plans and we have set forth efforts to address the issues raised in your letter, including permitting the doors to stack within the space so that water views are not impacted when the Pavilion is in public use mode.

April 16, 2013

Our only effort at this point is to complete the process by making adjustments (not new construction) to the movable wall system so that the system is in compliance with the originally approved drawings. These adjustments will be consistent to the extent feasibly possible with the submittals we provided you.

For those items that we feel we must have (for the proper operation and what we view as life safety issue) we are submitting to the staff for consideration of the Design Review Board and/or the Commission a request for an amendment to the permit to allow this permanent structure (and other proposed improvements as required). We feel the door element that we propose is consistent with other architectural elements of the existing structure. We also feel that the new element is as un-obstructive to the views as we can possibly provide without compromising functionality.

We wish to continue to work with staff and submit required documents per the enclosed information so that we can move forward with the productive use of our facility and that the public can have the ability to enjoy this improved facility.

Another change that we would like BCDC and the Port/City to consider is the installation of semi-permanent planters surrounding the outside perimeter of the Pavilion. These planters are consistent with the Pavilion Design and provide protection to the wall system from vehicular traffic (delivery and service trucks) when the Pavilion is in the private operation mode. We feel it is essential to the safe operation of the Pavilion to place these planters with a consistent look and feel around the Pavilion. We also think the planters provide an interesting context by softening the area with a landscape element. They are installed in their proposed location temporarily until approval can be obtained. We will seek modifications to agreements with the Port to permit these planters and wish these to be considered with the design review process.

We look forward to your response and an early meeting with you so that we can progress as necessary and correct or remedy the issues you raise.

We will also be submitting within the next week our proposed operational amendments to the permit, once we have discussions with the Port.

I have resubmitted the renderings and pictures and the technical construction drawings to you for your consideration.

Sincerely,



Steven E. Hanson
Consultant for Scott's

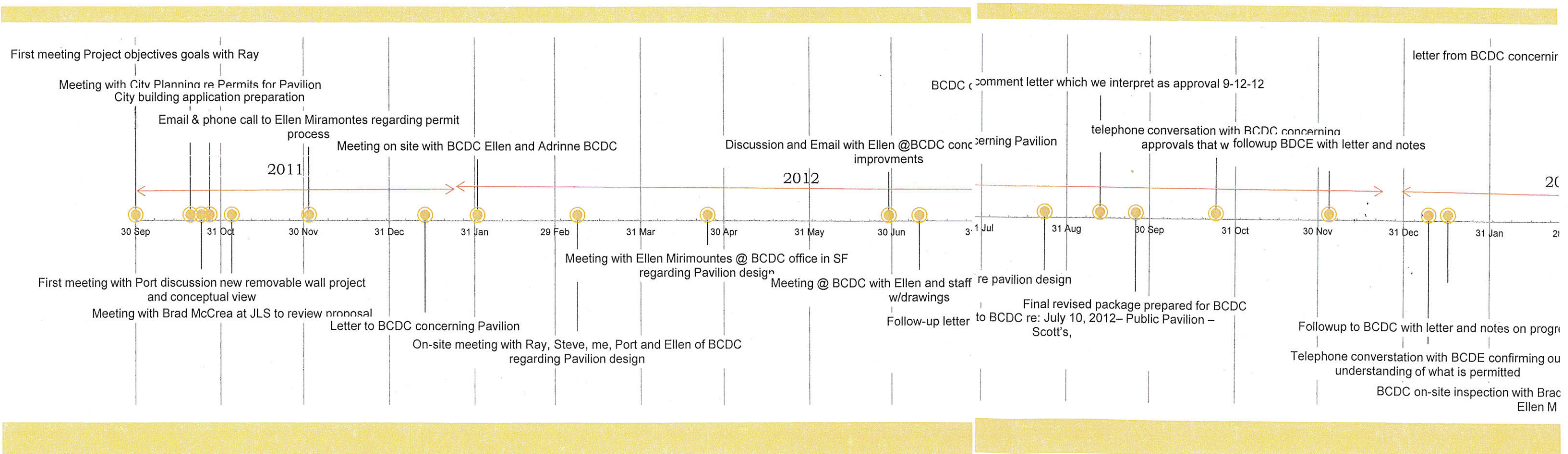
Enclosures

Amendment No.	<u>1985.019.11(B)</u>
Rec'd on	<u>4/17/13</u>
Staff asgnd	<u>Adrienne</u>
Logged on	<u>5/20/13</u>
Fee Paid	<u> </u>
Trans-Mnt	<u>✓</u>

cc: Brad McCrea, Director, Regulatory Programs - w/o enclosure
Adrienne Kline, Chief of Enforcement - w/o enclosure
Robert Batha, Chief of Permits - w/o enclosure
Julie Braun, Port of Oakland - with enclosure via email
Stephen Fagalde, Scott's

Pavilion Permit Project Time Line - 2011 to 2013 Event Milestones

Pavilion Permit Project Time Line - 2011 to 2013 Event Milestones

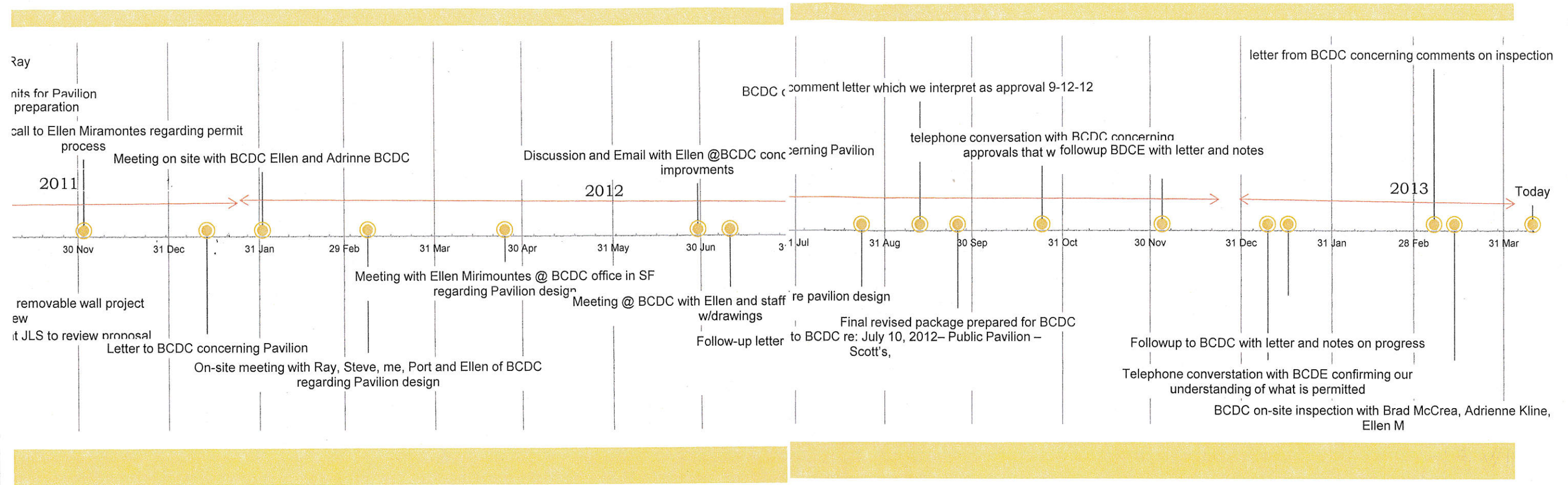


Permit Project Time Line - 2011 to 2013

Event Milestones

Pavilion Permit Project Time Line - 2011 to 2013

Event Milestones





Making San Francisco Bay Better

March 14, 2013

Mr. Steve Fagalde and Mr. Steven E. Hanson
Scott's Restaurant
255 Third Street, Suite 102
Oakland, California 94607-4328

SUBJECT: **BCDC Permit No. 1985.019.09B**; Plan Review Response to January 16, 2013 Letter and Attachments; March 7, 2013 Site Observations; Public Pavilion at Jack London Square, Oakland, California

Dear Mr. Fagalde and Mr. Hanson:

We are writing in response to your January 16, 2013 email, letter and attachments, which included the four documents listed below. This letter will serve as a formal reply to your request for review and approval of these plans, pursuant to Special Condition II.A of the BCDC permit. Although you have stated that there was some confusion regarding the administrative plan review and approval process, you now know that BCDC's review and approval of final plans must be completed prior to commencement of any work. As of the writing of this letter, the pavilion wall system project is nearly complete.

As you are fully aware, there were elements of this proposed wall system that we stated could be approved administratively by plan review, if and when the BCDC staff approved the final construction documents. The permanent door structure, however, was not to be approved in this manner. In fact, we wrote to you and stated repeatedly that this element would be subject to another process, including design review, public hearings and Commission consideration.

Therefore, this letter constitutes plan review for only the moveable wall system, not the permanent door structure that has been constructed at the site. As expressed on our March 7, 2013 site visit, we are very concerned regarding the work that has been constructed so far and will be in contact with you regarding the enforcement action that we may take.

The following submitted documents are the subject of this letter:

- CannonBall HNP Specifications: six 8.5x11 pages with standard specifications.
- Kalwall Standard Wall System: one 8.5x11 page with color images and one 8.5x11 page depicting the Standard Wall System.
- One 8.5x11 page with color photos of site labeled "Public Pavilion with walls stored in storage area and prior to moving to storage area. Pavilion with existing tent wall system."
- Twenty 8.5x11 pages with hand drawings of the steel track system entitled "Pavilion Track" and dated August 10, 2012.

These documents include standard specifications for the track and wall systems and also several pages of the steel track system drawings. The materials have been reviewed pursuant to the authorization and requirements of BCDC Permit No. 1985.019.09B.

Mr. Fagalde and Mr. Hanson
March 14, 2012
Page 2

After careful review, we have determined that the above mentioned documents do not have sufficient information and, therefore, **the wall system cannot be approved at this time**. As requested in our March 26, 2012 and September 12, 2012 letters, and as required by Special Condition II.A of the permit, please submit a complete construction document package for our review and approval, including plans, elevations, sections, details and specifications. These plans should clearly indicate the dimensions of the stacked wall panels (width and length) when they are not in use.

As mentioned above, we understand that you have proceeded with construction of the pavilion walls without final plan review and approval. You have indicated that you believed you had received the approval to proceed through our March 26, 2012, September 12, 2012 and November 20, 2012 letters. In order to physically observe what has been constructed, we met with you at the pavilion on March 7, 2013.

There are four aspects of the work constructed so far that are of concern and that are inconsistent with our discussions and the preliminary plans that you submitted over the past year. These concerns and inconsistencies must be addressed and remedied:

- 1) **Permanent Door Structure Constructed on Eastern Side of Pavilion.** In our letters and conversations during the past 12 months, we consistently stated that this door structure could not be approved administratively through plan review and would require an amendment to the BCDC permit. The permit has not been amended to authorize this door structure nor have you submitted a letter requesting such an amendment for the Commission's consideration.
- 2) **Permanent Wall Constructed at Northwestern Corner of Pavilion.** A stationary and solid wall section has been built at the northwestern corner of the pavilion. In your preliminary plans, a shorter wall section was shown in this area and we had understood that it would be constructed with translucent movable panels.
- 3) **Stacked Panels at Stage Extend Further towards Bay.** The panels in this area extend further towards the Bay than what was depicted on the conceptual plan entitled "Sheet A.2 – Public Pavilion Plan View with Panels in Stored Position", which you had submitted to us on October 28, 2012. The current configuration blocks views to the Bay.
- 4) **Stacked Panels at Service Area Extend Further towards Bay.** The panels in this area extend further towards the Bay than what was depicted on the conceptual plan entitled "Sheet A.2 – Public Pavilion Plan View with Panels in Stored Position." The current configuration blocks open views through the pavilion structure.

If you have any questions, please don't hesitate to contact me by phone at (415) 352-3643 or by email at ellenm@bcdca.gov.

Sincerely,



ELLEN MIRAMONTES
Bay Design Analyst

EM/emc

cc: Julie Braun, Port of Oakland

Subject: Public Pavilion

Date: Sunday, March 3, 2013 5:51:05 PM PT

From: Tammy Borichevsky

To: 'Ellen Miramontes'

CC: 'Julie Braun', 'Margie Turrel'

Ellen,

pls file
in chron
order in pt.

make sure
this is it
already in
#16

I'm sorry we were really busy at the shop and I didn't get your message until it was too late. I will call on Monday. I still don't understand why they have been able to build this and have the walls up all this time and what will it take to stop have them abide by the terms of the permit. This space is suppose to be available for others to use and as I stated in an earlier email that is really not true. Scott's has high jacked public land with no consequences for their actions. This has been going on problem since the permit was first issued. I really don't understand in any stretch of the imagination how this can be happening without any oversight.

- There is no public safety issue the walls should be pushed back today so that we can see exactly what will be in place.
- Today is the farmers market and is a perfect example of public access and views of the bay lost because the walls are up on an empty space.
- There has been a front entry built out of steel that did not exist prior Dec 28, 2012. They had to put in footers so this was major construction. Was this approved by BCDC?
- It was built at night and I'm assuming without a building permit or inspection of any kind. It is brand new construction and currently covered by the old tent walls.
- I'm not sure what you and Julie have been told but as far as I can tell the last letter you wrote was very clear and is being ignored.
- What will the BCDC do regarding the non-compliance of the permit. There is no valid reason or safety issue they should be required to push the walls back **now** when not in use.
- The reason the walls are up to hide the work from the public. This is how they have done it every time they do construction. We have witnessed it for years. We are next door it is hard to miss major construction.
- Basically the permit requirements are being ignored and these are blatant acts of non-compliance.
- What is the property management's responsibility about enforcing permit compliance on this common area/public land?
- What will the Port of Oakland do and what is their responsibility?
- Why does the BCDC have a permit process if it is not being enforced.
- Does the public have any say in the matter?
- This not only impacts the public access but also other businesses at Jack London Square. Just sit on the patio of either Forge or Boca Nova and you can see how the walls block the view.
- I'm not sure what design requirements are for the waterfront but it looks like a School Gym.

Attached see a steel entryway that was built over the last two months and the stage/storage area that was built to my knowledge without approval from BCDC or the Port of Oakland.

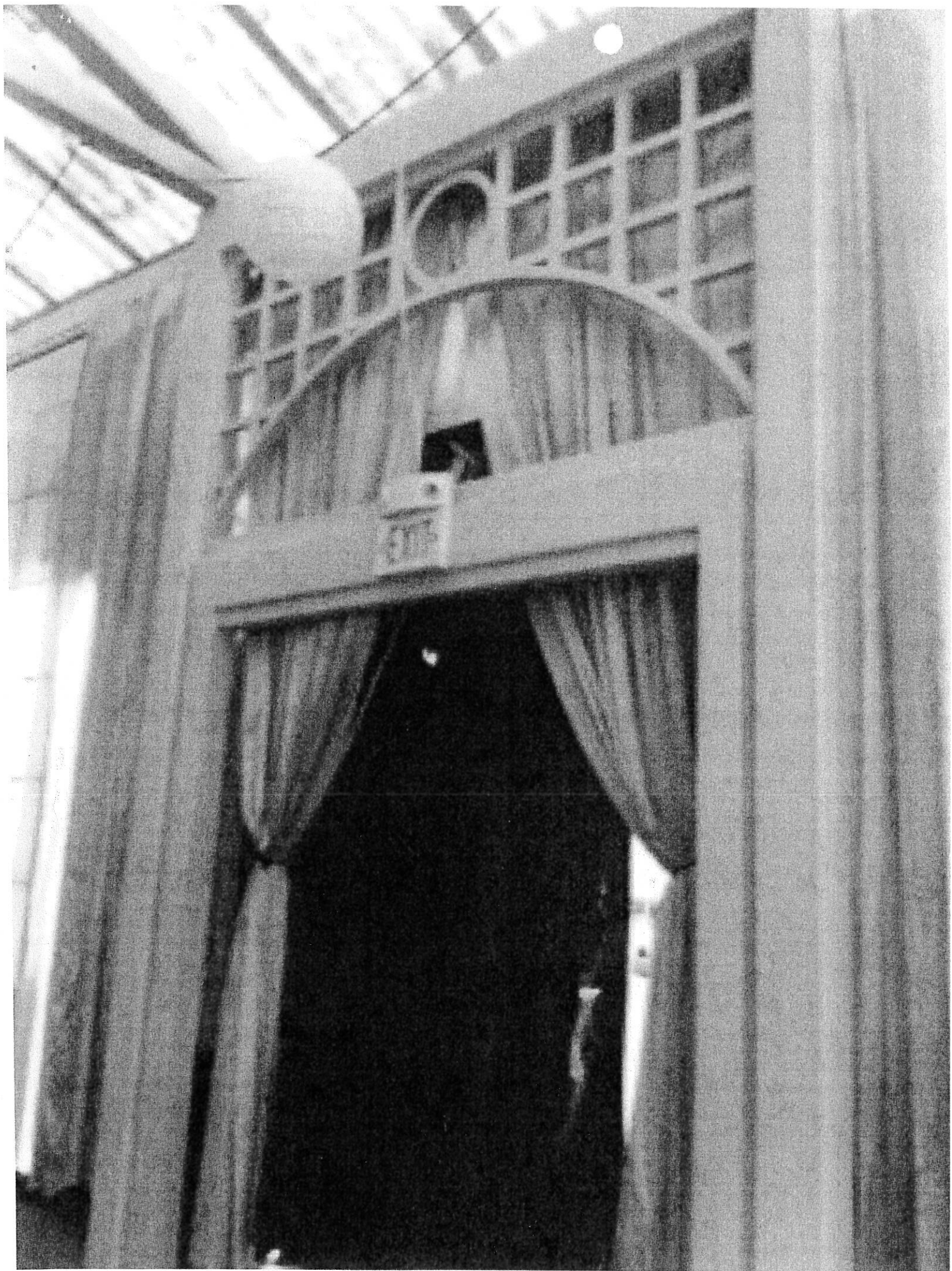
Sunday I took photos of an empty space with the walls still up. Not sure how it could be considered a safety issue there was nothing in the space.

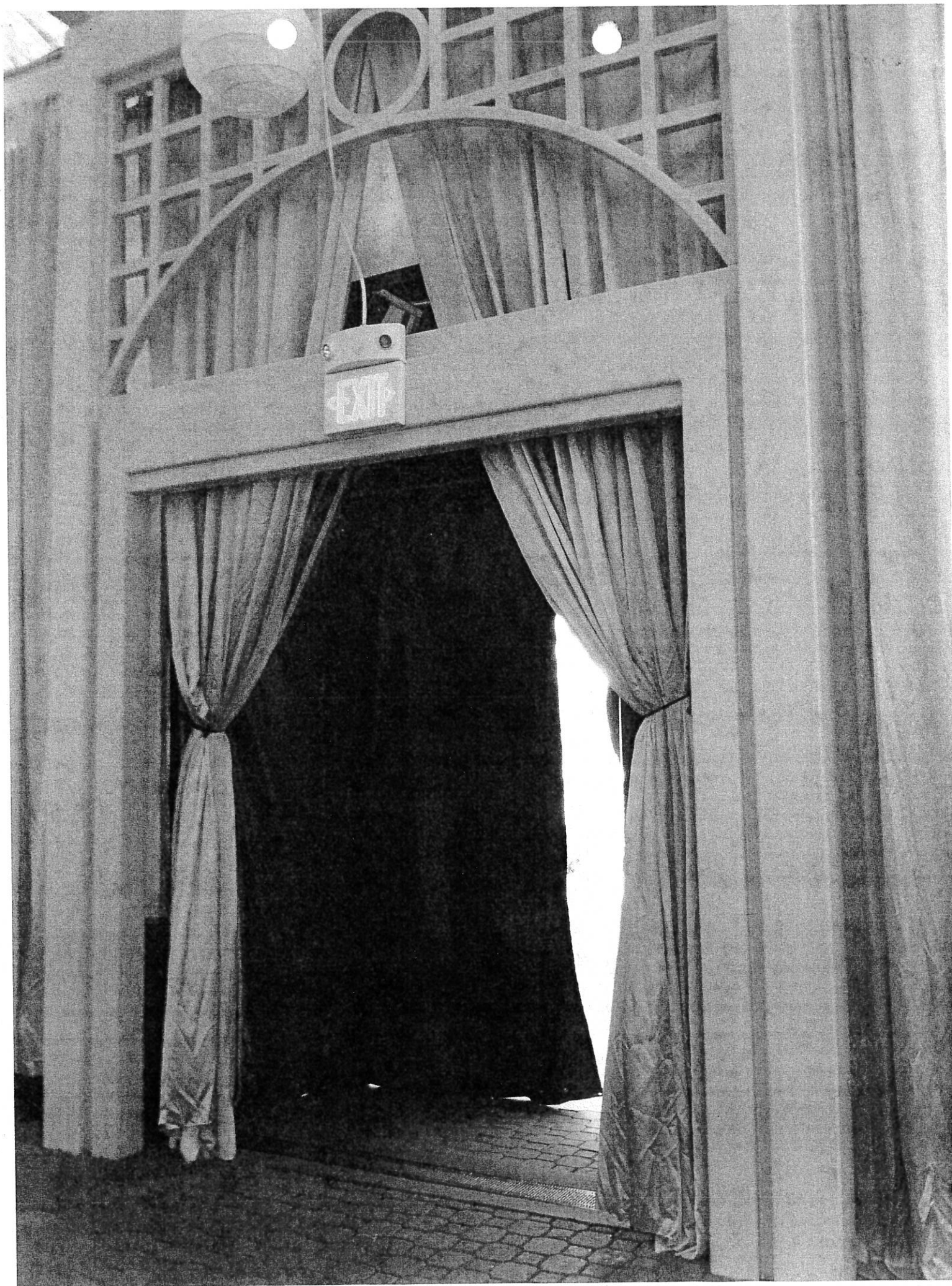
Cc'd Sandra Threlfall of Waterfront Action concerning this matter.

Thank you for your thoughtful consideration of this matter,

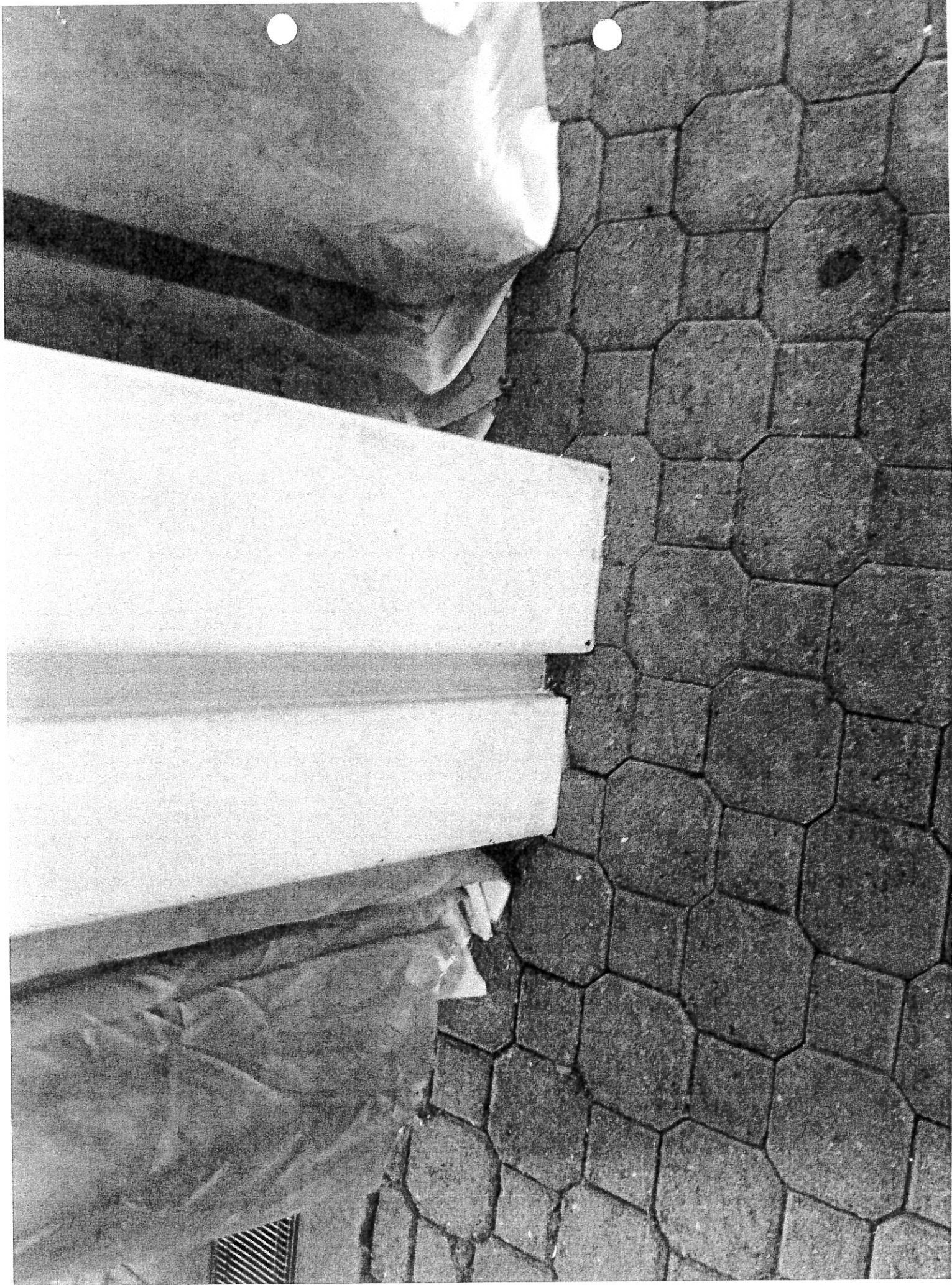
Tammy

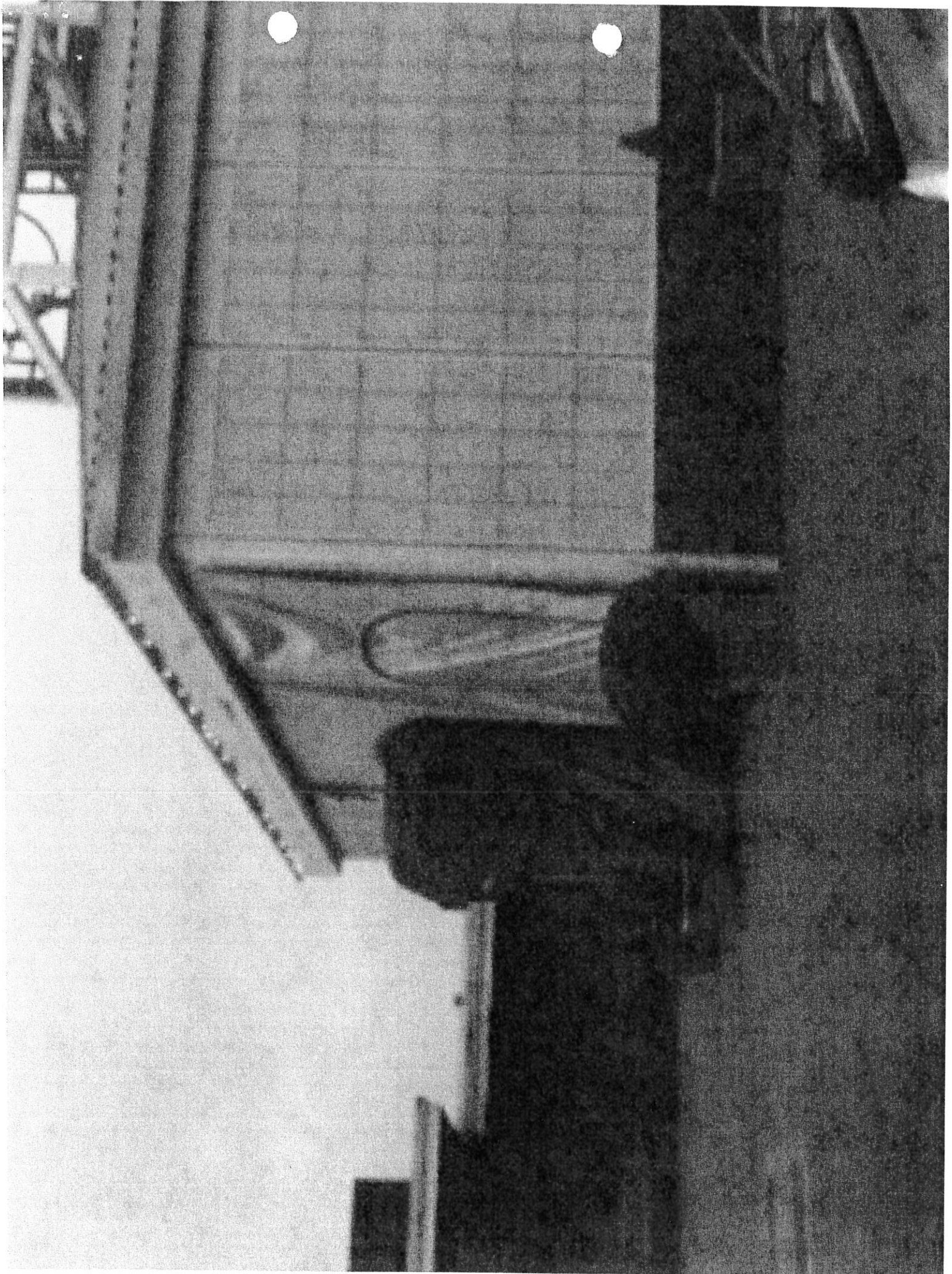
Tammy Borichevsky
California Canoe & Kayak
Purepaddlesports since 1972
409 Water Street
Oakland, CA 94607
510-893-7833 Ext 12
www.calkayak.com











Subject: February 27 2013 letter to ellen Miramontes and staff

Date: Wednesday, February 27, 2013 4:42:38 PM PT

From: Steven E. Hanson

To: 'Ellen Miramontes', 'Brad McCrea', 'Bob Batha', 'Adrienne Klein'

CC: 'Julie Braun', 'Steve Fagalde'

Ellen, In response to our two telephone conversations in the last three days regarding the Pavilion here is our response. I am hoping it is satisfactory, but Steve Fagalde and I are willing to meet with you and your staff anytime and anywhere to address additional questions (or the Port for that matter). I know that the Port is pressing us to move forward some permit amendments and we would like to do that as well in the near future.

Please contact either me or Steve with any questions and additional concerns

Steve Hanson

Thanks

Steve Hanson

hansonsteven@gmail.com

415-314-0172

My website:

<http://sites.google.com/site/hansonstevenwork/>



February 27, 2013

Ellen Miramontes
Bay Design Analyst
San Francisco Bay Conservation and Development Commission (BCDC)
50 California Street, Suite 2600
San Francisco, CA 94111

Subject: **Follow-up on Phone call and Complaints - Public Pavilion Restoration and Renewal**

Dear Ellen;

I am following up on our telephone conversations of both today and of Monday concerning issues you raise with the Public Pavilion restoration and renewal project for Jack London Square.

As we have said, we have appreciated BCDC's roll in allowing us to make the needed upgrades that will make the Pavilion a better facility for both public and private functions. This project was far more complex and complicated than we originally anticipated and required some innovative design-build solutions that will meet all the requirements including the design of the light weight translucent wall panel system that will permit the panels to be rolled in and out of position. The roller systems, were adopted to support large panels and are used in industrial applications where such a system is required. These panels roll on several different tracks to permit the storage of the panels and the proper placement of them when in use. All of the materials needed to be adapted to meet both the needs of BCDC public space access, safety and upgraded private use applications - including meeting the environmental challenges of building and maintenance in the maritime environment. We also acknowledge that the physical condition of the Pavilion had deteriorated over the years as rust and wear and tear were quite evident

We acknowledge that our understanding concerning your comment letter of November 20th, 2012, was that in general if we met the guidelines set forth in your letters that we could proceed. You also acknowledge that such an interpretation was possible. There was considerable lead time as the materials had to be physically ordered and each component of the panels had to be assembled after powder coating was applied (off site), the system once collected needed to be installed on the building. As you pointed out, a more formal approval of the project would have included a time-frame for construction of the improvements. As we noted this time-frame was not included in any of our correspondence, which was an oversight on our part.

As we suggested in our drawings and descriptions, the project was defined as a movable wall system that would be translucent and not adversely affect the public access view corridors when the Pavilion is in Public use. We have attempted to meet all the criteria outline in our discussions. We would also like to look at this project as a total refurbishment of this facility, as the existing structure required

substantial maintenance (that given its use over the years) needed to be done along with the improvements to be made. These efforts have taken additional time, more time than we anticipated.

Because of the work being done to the facility, we have tried to keep it covered up mainly because much of the work is aerial and requires scaffolding and hydraulic lift vehicles, welding, cutting of metal and installation of tracks and panels, painting and the like. This work is not only dangerous to the skilled workers but would be dangerous to the public as well if the facility was left fully open. Also because the movable panels, while on fixed guides, are being installed on a building with an unlevel ground surface, considerable effort is necessary to adjust the height and clearance of these panels so that they will move unobstructed. Each panel in effect is unique and requires delicate attention. There was no way that this project could have been completed without the design build elements and onsite modifications (which would be considered change orders on a normal contract). Given these issues more time was necessary to install the system than we could have predicted. The results however, are first class and will improve the area and the building immeasurably.

We simply believe, that other than electrical work which we may wish to do, we are replacing one tent-type movable wall system with a far superior and safer more ridged and durable movable walls system, therefore, there is no change in use and no structural work requiring further local permits assuming we meet BCDC's mandated public access requirements and addressing BCDC's design comments. As we have discussed in the near future we will request permit amendments that address use and procedures among other issues.

To answer your question about timing, this work is exceeding our cost estimates but it is also exceeding our original time frame estimates of 30 to 45 days. It appears that we will be substantially complete with most of the work by the end of March 2013.

You had a question, also concerning some additional construction adjacent to the Scott's building and as I understand it we are installing a fixed panel (but with wood supports). As in our plans there are some fixed panels but they are not in the public view corridor.

We do believe, that this work will improve the area, make the Pavilion more acceptable in both private and public mode and that this effort will last for many years, once it is completed. We will be happy to meet with you and the BCDC staff as well as the Port staff to address any questions or concerns. Again, we appreciate the communication - and just like you - we want to put this area/facility back into productive use for private and public access as soon as possible.

Sincerely,



Steven E. Hanson
Consultant for Scott's

cc: Brad McCrea, Director, Regulatory Programs
Adrienne Kline, Chief of Enforcement
Robert Batha, Chief of Permits
Julie Braun, Port of Oakland
Stephen Fagalde, Scott's

Subject: Additional Information on Pavilion Construction as promised
Date: Wednesday, January 16, 2013 3:12:27 PM PT
From: Steven E. Hanson
To: 'Ellen Miramontes'
CC: 'Steve Fagalde', 'Julie Braun'

Dear Ellen

As we discussed last week, I am providing to you as requested some additional technical information on the Pavilion plans and specifications with a cover letter. As we have indicated, this was a difficult to design project and had several iterations and evolutions. This was due in part to the unique nature of the application and blending different technologies in our effort to meet concerns and objections as well as meet our aesthetic desires for this project. We obviously are trying to meet the requirements of the existing permit by not disrupting views of the public access area, yet we believe the system will be more attractive, more user friendly and allow us to better maintain the wall system as well as turn the pavilion from private to public use and vice versa in a faster and safer manner.

To meet all these needs, we simply made several trial and error efforts until we found something that met the requirements. So in essence, as I have explained, it has been a design-build project which is why you will not see the typical plans and specifications that you might see for a public works project. But as we indicated we could not do this project without drawings and we have them, aside from the visuals that you already have, we have specifications for the Kal Walls as well as the CannonBall roller system. We also had to make sure it all fit together and thus the need for detailed drawings for the track system and the doors. So there has been considerable effort in meeting these challenges and we wish to express our appreciation to you and your colleges for guidance and input. We think we have resolved these issues and as indicated in the cover letter would like BCDC's permission to install the system as soon as possible.

In this correspondence, I am providing you the information in electronic form and will follow up with the printed package as well via U.S. Mail. Because of the size of some of these files I will have to send this information to you in one or two or potentially three emails so that it will not be rejected by your email system. Please contact me with any questions and concerns.

Thanks again for all you assistance.

I will follow with installation drawings that are scanned in. Thanks!

Thanks
Steve Hanson

hansonsteven@gmail.com

415-314-0172

My website:

<http://sites.google.com/site/hansonstevenwork/>

RECEIVED
JAN 22 2013

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION



Steven E. Hanson
6899 Bristol Drive
Berkeley, CA 94705

January 16, 2013

Sent Via Email and US mail w/attachments

Ellen Miramontes
Bay Design Analyst
SF Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Dear Ellen,

This letter is a follow-up to our telephone conversation last week with respect to the Public Pavilion that is being modified by Scott's Seafood. As we have communicated in writing, Scott's has been moving forward in assembling panels for the Pavilion. We have provided at your request, copies of the working drawings, in addition to the visual presentation (which we provided in October 2012). As we discussed the replacement of the wall system is a design-build project, this design-build effort has evolved over the last year mostly as a result of our back and forth communication over what would be an acceptable solution to replacing the cloth wall system that has been in use for more than 15 years. Meeting BCDC's obligation to assure that the public access would not be further encumbered with the replacement wall system required a creative and adaptive design effort which included trial and error and research into various systems meeting the objectives of the multi-use nature of the Pavilion. These design objectives included the following:

Light weight, fully stackable movable panels that would not interfere with the existing views, , heat retaining/insulating nature, natural light emitting, attractive design, reduction of turn-around time, cost effective, long lasting, durable and safe.

All of these efforts have resulted in our need to build several different mock-ups and trial and error-systems. Because of the complexity of meeting all the objectives, it was necessary for us to develop plans on a design-build basis using available manufactured components that were pre-engineered for purposes for which the components are used and then assembled to meet the needs of our wall system.

I have, therefore, provided the working design-build drawings for your review and records. I have provided them as electronic PDF files as well as will provide paper copies to you and your agency via US mail.

I hope this answers your issues with respect to finding fully developed plans and specifications. We are sure that the manufactured components of our wall system exceed all the tolerances to which these components are put to use. The trolley system for example are designed to support industrial wall systems that are more than five times the weight of our light-weight wall system which incorporates all aluminum components.

I have also attached in the electronic version of this letter, pictures of the pavilion and the assembled panels currently stored and out of the way of the public area.

Moving forward, the panels are generally assembled and we are ready to begin mounting the track system used to support the track system and therefore the walls.

As we have indicated in the past, generally we believe that the issues involved in "changing out" the wall system is not in conflict with our current permit for the structure and that the new wall system will permit us to provide faster turn-around time between events. In addition, the visual presentation of the Pavilion in private-use will be far better than the existing system. Our efforts will also facilitate the much needed painting and other minor maintenance improvements to the existing structure can be carried out within the confines of the existing permit.

We therefore, request that based on the information I am providing, that you provide us with your approval to move forward with installation of the assembled panels into a roller tack system to be mounted on the inside of the tubular steel structural fascia of the building's edge as shown in the presentation drawings.

In our other matters, I appreciate being provided with the base BCDC permit 19-85(B) as amended, so that we can highlight our requested changes and I will be providing a "track-changes" version of that within the next several days after consulting with Port staff.

Thanks again for all your time on this important effort we are undertaking.

Sincerely,



Steven E. Hanson
Consultant for Scott's Restaurant

cc: Stephen Fagalde
Julie Braun

Attachments provided as follows -(electronically and via US Mail) :
Design Build-Drawings (Panel detail, Panel Layout, Track Layout, track mounting)
Specifications of Kalwall systems (PDF)
Specifications of CannonBall Roller Track System (PDF)
Existing Pavilion with stored panels -Pictures



SPECIFICATIONS

CB-3

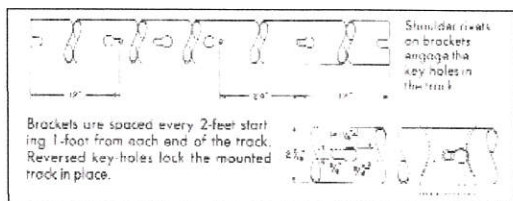
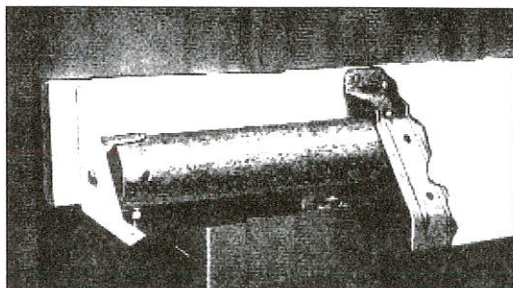
BRACKETRACK AND KEY-HOLE SLIDING DOOR TRACK SYSTEMS

Self-cleaning, self-aligning! Track retains all these unmatched CannonBall advantages, plus the lifetime guarantee, that builders have preferred for over fifty years.

Matches trim on colored buildings! Track Cover comes in white enamel finish to match the trim on colored buildings.

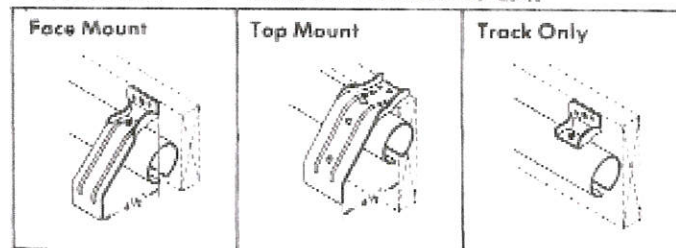
Saves builder's time! Key-Hole Track is easy and fast to install. Shoulder rivets on mounting brackets are simply tapped into slotted key-holes on the track. Bracketrack brackets are pre-riveted on at factory. Mounting brackets are then quickly nailed to the track plank.

Saves builder's inventory! Key-Hole Track is completely interchangeable with all Standard CannonBall Brackets for by-passing, etc. installations. One stock of track handles all applications, inside or outside.



ITEM	KEY-HOLE	ONE-PIECE BRACKETRACK
Track Material:	14 ga. galv. steel	1 4 ga. galv. steel
Lengths available:	6'-20' in 2' increments	6'-20' in 2' increments
Weight per lineal foot:	2.0 lbs.	2.1 lbs.
Maximum door leaf weight with single truck trolley hangers:	400 lbs.	400 lbs.
Maximum door leaf weight with double truck trolley hangers:	600 lbs.	600 lbs.
Mounting Brackets:		
Top mounted track & cover:	646519	attached
Face mounted track & cover:	646513	attached
Track only:	646512	attached
No. required:	1 every 2' of track	attached
Mounting Nails Recommended:	Galvanized ring shank nails: per — one 20d, 4" x 7 ga. or two 16d, 3-1/4" x 9 ga. or two 10d, 3" x 10 ga. or two 8d, 2-1/2" x 10 ga.	
Cover:		
White Enamel:	28 ga. galv. steel	28 ga. galv. steel
Length:	10'-2"; provides 2" overlap splice every 10'	
Size:	Face mounted brackets for nominal 1" or 2" track plank. Top mounted bracket for 2" planks only.	
End Trim:	Yes	Yes

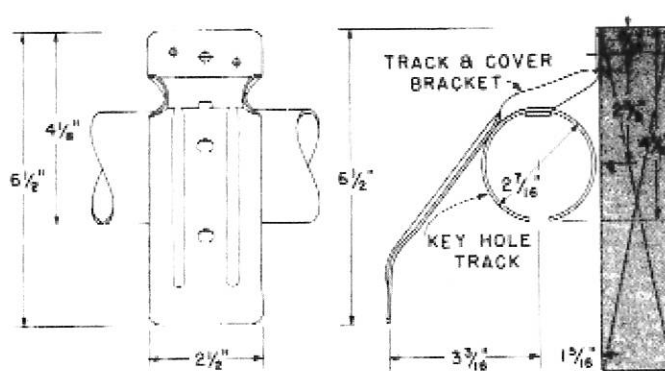
*BRACKETRACK—WHAT A GREAT IDEA!



* Same quality as keyhole track, only brackets are pre-riveted on at factory



Face Mounted Brackets for mounting Track and Cover

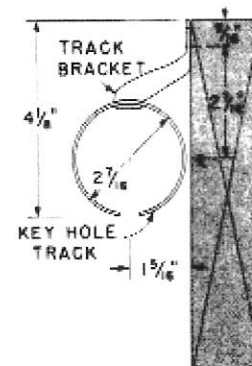
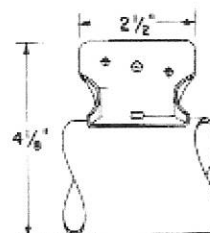


Track and Cover Bracket. For mounting a single run of Track and Cover on a track plank. One required for each 2-feet of track run. Shape of bracket and cover allows plenty of room for both vertical and lateral door adjustment. Galvanized. Packed 50 per carton. (One package handles 100-feet of track). Weight of package 20 lbs.

Scale: $\frac{3}{16}$ " equals 1"

Face Mounted Brackets for mounting Track only

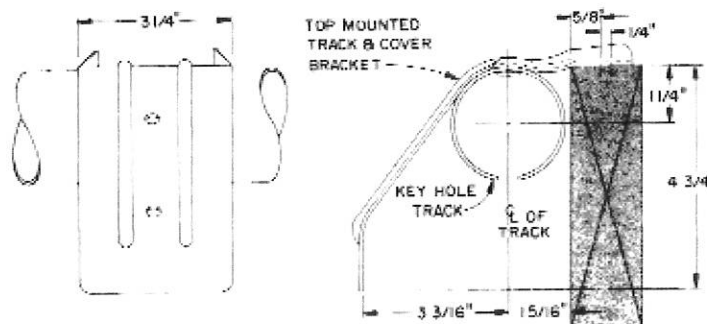
Track Bracket. For mounting a single run of Track (less cover) on a track plank. One required for each 2-feet of track run. Galvanized. Packed 50 per carton (One package handles 100-feet of track). Weight of package 7-1/2 lbs.



Note: 646512 Track Brackets are for use where track cover is not required, such as indoor applications.

Scale: $\frac{3}{16}$ " equals 1"

Top Mounting Brackets for Track and Cover



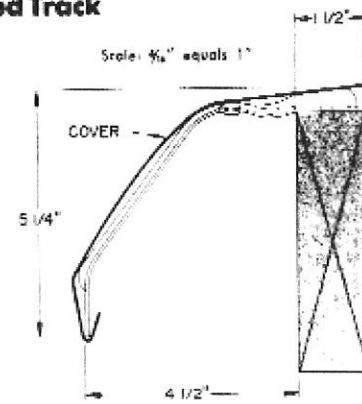
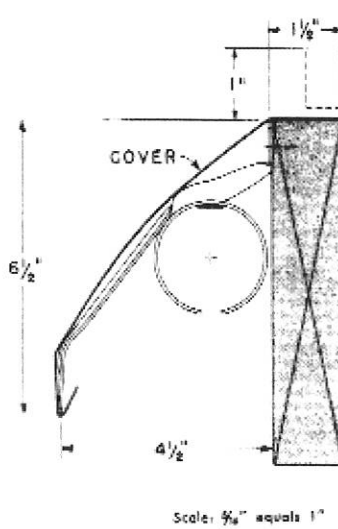
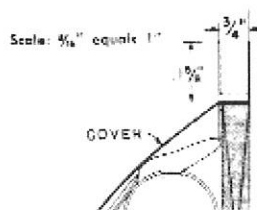
Top Mounted Bracket used with a single run of Track and Cover. Top Mounted on a 2-inch track plank only. One bracket required for each 2 feet of track run. Galvanized. Packed 50 pieces per carton (one package handles 100-feet of track). Weight of package 25 lbs.

Scale: $\frac{3}{16}$ " equals 1"

Covers for Face Mounted and Top Mounted Track

646225 Track Cover (Right)
Shaped to fit nominal 2-inch track plank. Bottom lip hooks over bottom edge of each 646513 Track and Cover Bracket; top edge flashes junction of track plank and siding. Standard length 10 ft. 2 in. White enamel. Packed 20 pieces per carton. Wt./Pc. 8.0 lbs.

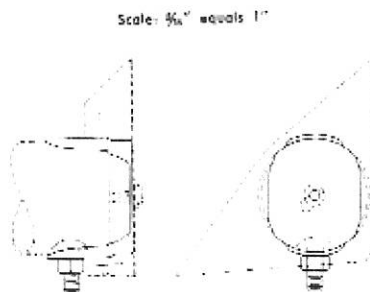
646224 Track Cover. (Below)
Same as 646225 except for nominal 1-inch track plank. White enamel. Wt./Pc. 8.0 lbs.



646226 Top Mounted Track Cover.
(above) Shaped to fit nominal 2 inch track plank only. Bottom lip hooks over bottom edge of 646519. Track and Cover. Top Mounting Bracket. Top edge flashes junction of track plank and siding. Standard length 10 foot 2 inch. White enamel. Packed 20 pieces per carton. Weight 8 lbs. per carton.

Note: White enamel cover has base metal of high-tensile cold rolled steel with galvanized protective coating of 1.25 oz. zinc per square foot. Then, a Bordenite zinc phosphate coating prepares the galvanized surface for tight adhesion of a special formula, oven-cured primer coating. Finish coating is an oven-cured polyester enamel for maximum durability. A final wax coating adds lustre and protects during shipping and storage.

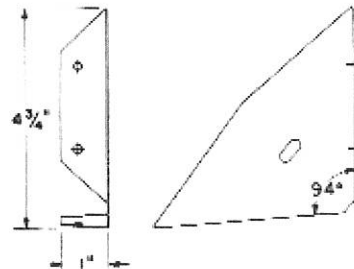
End Caps and End Trim for Top Mounted Track Cover



646514 Track End Cap with bolt and nut.
Galvanized. Two needed per track run. Packed 20 per carton with mounting bolts. Wt. of Pkg. 6 lbs.

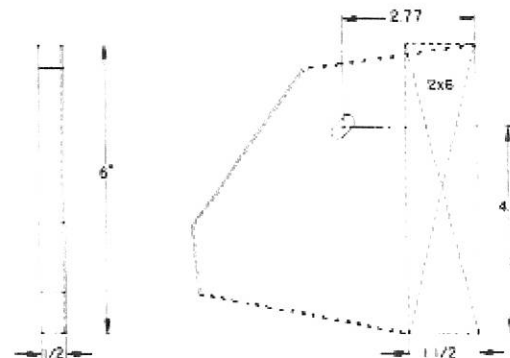
646515 End Trim. Bird proofs the space between the track and cover and serves to finish off the cover ends. Two recommended for each run of track. White enamel. Packed 20 per carton with mounting screws. Weight of package 6 lbs.

Scale: 3/16" equals 1"

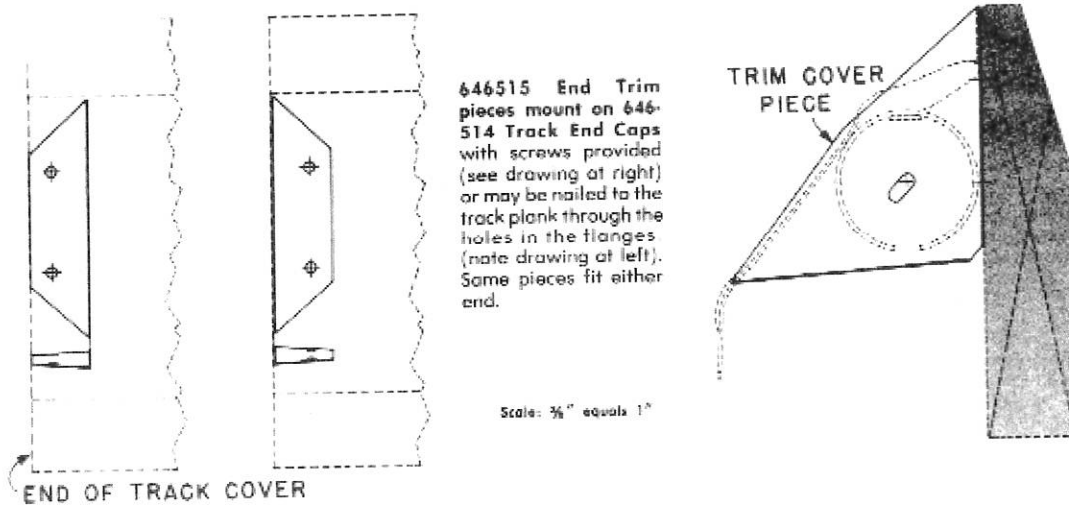


Scale: 3/16" equals 1"

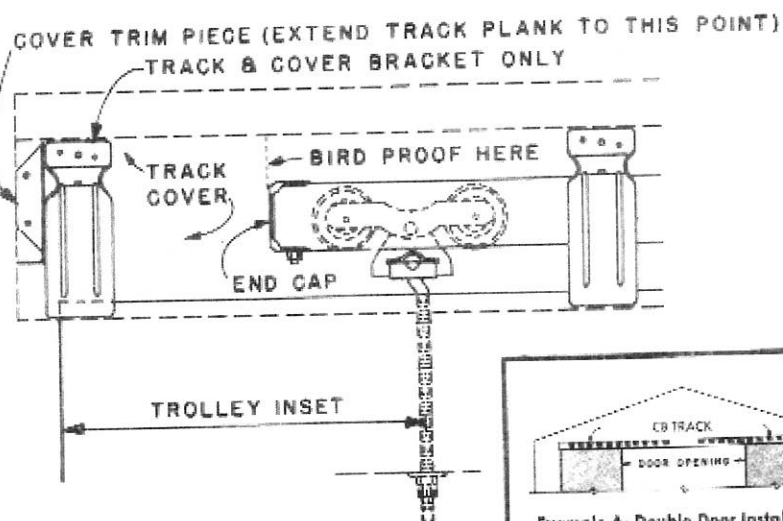
646518 End Trim for Top Mounted Track Cover only. Must be ordered in pairs (one right hand piece and one left hand piece.) White enamel. Packed 10 pair per package. (Enough for 10 runs of track.) Weight 6 lbs. per pair.



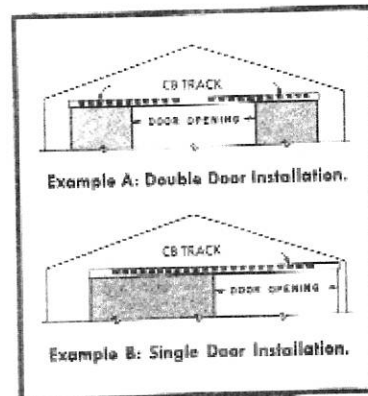
End Trim in place on Track Cover



Cover may run beyond end of track



several feet of Track can be saved on each application by leaving track only where trolleys will run. Then, by permitting cover to extend beyond the track to the extremes of the door movement when in the open position, door tops are finished and a completely finished appearance is achieved. See details in drawing and examples above. The extent to which trolleys may be inset varies with the door leaf shape. They may be inset most on a wide, low leaf.

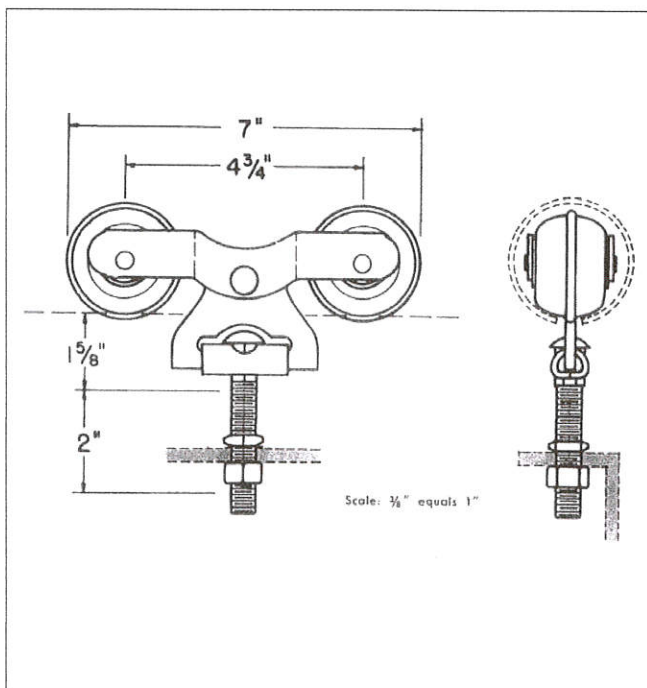


©2006 rev. 9.06.06

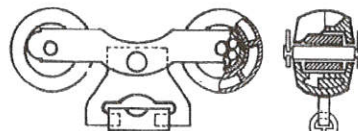
SPECIFICATIONS

CB-8

DELIRIN & STEEL SINGLE-TRUCK, ADJUSTABLE TROLLEY HANGERS FOR USE WITH METAL FRAME DOORS



NEW DELRIN TROLLEY



Quiet-running, corrosive-resistant DuPont Delrin, combined with the easy-running, long-lasting benefits of CannonBall needle-bearing design. Lower friction. Available in **all** popular CannonBall trolley systems.

- Never use more than 1 pair per door leaf.
- Finish: - galvanized.
- Packed 20 single trolleys per carton.
- Weight 2 pounds each.

Door Thickness: Variable

Door Leaf Weight Steel: Up to 400 lbs. per pair with 13- or 14-gauge track

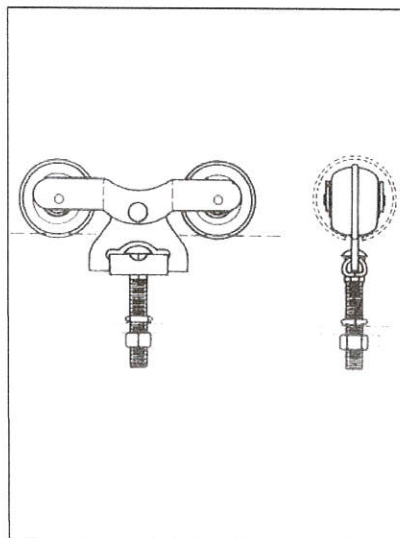
Delrin: Up to 450 lbs. per pair with 14-gauge track
Up to 600 lbs. per pair with 13-gauge track
Up to 1000 lbs. per pair with 13-gauge track, with universal side brackets on 12" spacing

Rods: 2 provided; 1/2" dia. Zinc-plated

Vertical Adjustment: Up to 2 inches

Lateral Adjustment: Slotted doorframe hole required

Suspension Bolt: 1/2 - 13 zinc-plated bolt, hex lock nut and adjusting nut



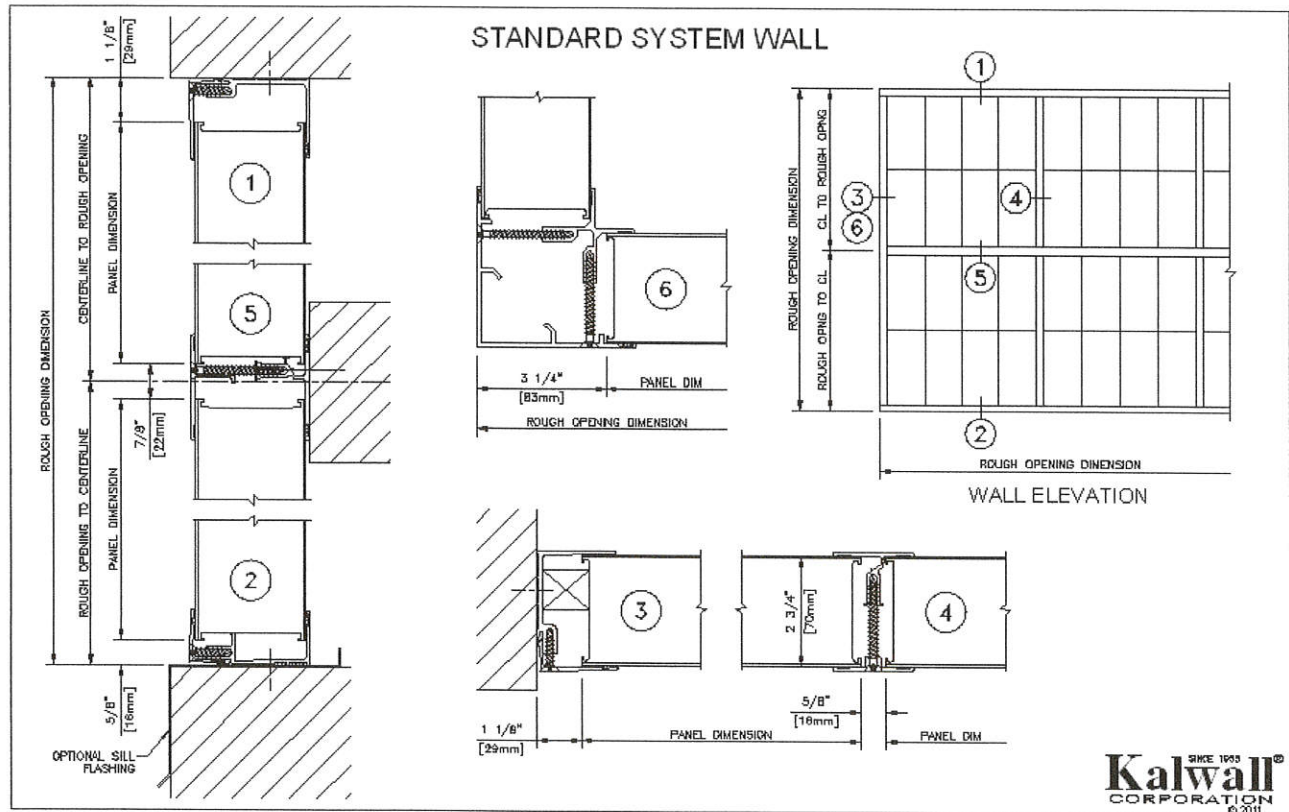
©2006 rev. 9.06.06

555 Lawton Avenue, P.O. Box 835 | Beloit, Wisconsin 53512-0835
p. 608.365.2161 | toll free. 800.766.2825 | f. 800.834.7447 | email. sales@cnbhnp.com | www.cnbhnp.com

1/16/13

hems.jpg (800×522)



Kalwall Standard Wall System:

CAUTION: Not all CAD details are appropriate for use in all applications. In order to ensure accuracy, expedite your project and save you time and money, please provide your [email address here](#) so that we may assist you, even at a preliminary stage, in your design.

To view and download construction-ready detail drawings, mouse over detail and click on the detail number or click on the detail name. Download this entire system drawing as a [.DWG](#) or [.PDF](#) file.

- ▶ [1 Standard Wall Head](#)
- ▶ [2 Standard Wall Sill](#)
- ▶ [3 Standard Wall Jamb](#)
- ▶ [4 Wall Batten](#)
- ▶ [5 Multi-Story Batten](#)
- ▶ [6 Outside Corner Batten](#)

◀ Back



PUBLIC PAVILION WITH WALLS STORED IN STORAGE AREA AND PRIOR TO MOVING TO STORAGE AREA. PAVILION WITH EXISTING TENT WALL SYSTEM

PAVILION TRACK

8/10/12

GENERAL NOTES FOR WORKING DRAWINGS OF 4x3x1/4 ANGLE & 3x2x1/4 CHANNEL

FLOOR PLAN SHOWS: DIRECTION OF VIEW OF WORKING DRAWINGS

SPLICE POINTS OF ANGLE & CHANNELS

IMPORTANT CONNECTION - ALTHREAD / HOLES

ANGLES ARE # 1-16

CHANNELS ARE # 20-46

NUMBERS ARE THE ASSEMBLY SEQUENCE @ JOBSITE
EACH PIECE NEEDS ITS NUMBER

FLOOR PLAN & WORKING DRAWINGS:

SYMBOLS

▲ DIRECTION TO VIEW WORKING DRAWING

● 1/2-13 X 1 1/2 ALTHREAD -- DRILL 9/16" HOLE & WELD UNDER FLANGE

○ 5/8" HOLE -- USUALLY BOTTOM FLANGE - FOR TROLLEY

○ 7/16" HOLE - MOUNTING TO 18X6 GIRDER OR 6X6 BEAM

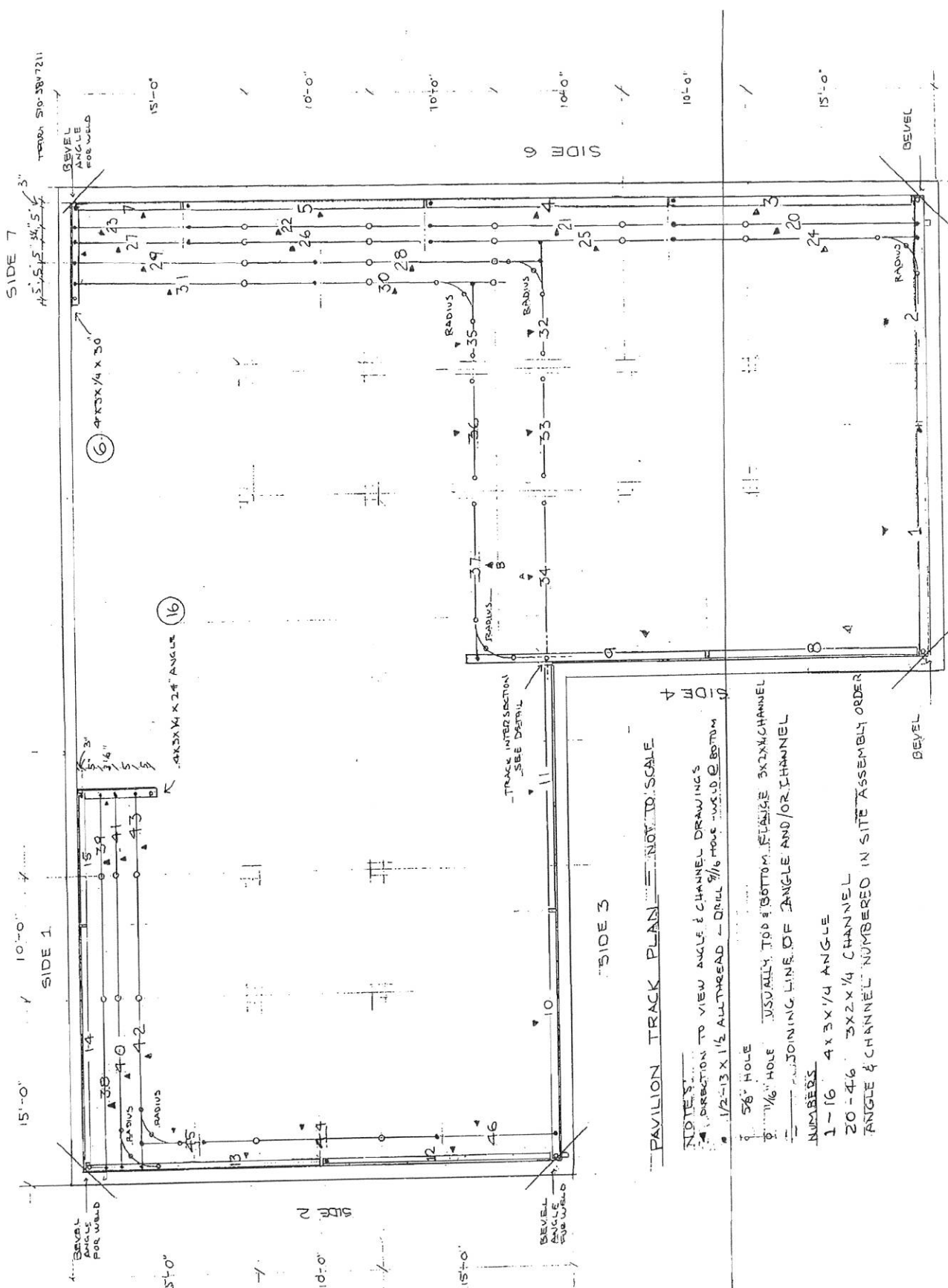
--- JOINING LINE OF CHANNELS / ANGLE

== INDICATES SOLID SIDE OF ANGLES & CHANNELS

* BE SURE TO NOTE SOLID SIDE - SO HOLES / BARS / ALTHREAD ARE IN THE RIGHT PLACE

* REFER TO MAIN FLOOR PLAN

PLEASE CALL TERRY CURTIS @ 510 384-7211
WITH ANY QUESTIONS



PAVILION TRACK PLAN - NOT TO SCALE

- NOTES:
- 1. DIRECTION TO VIEW ANGLE & CHANNEL DRAWINGS
 - 2. 1/2-13 X 1 1/2 ALL THREAD - DRILL 9/16 HOLE - WELD TO BOTTOM
 - 3. 5/8" HOLE
 - 4. 1/4" HOLE
 - 5. JOINING LINE OF ANGLE AND/OR CHANNEL
 - 6. NUMBERS
 - 7. 1-16 4x3x1/4 ANGLE
 - 8. 20-46 3x2x1/4 CHANNEL
 - 9. ANGLE & CHANNEL NUMBERED IN SITE ASSEMBLY ORDER

SIDE S 4X3X1/4 ANGLE

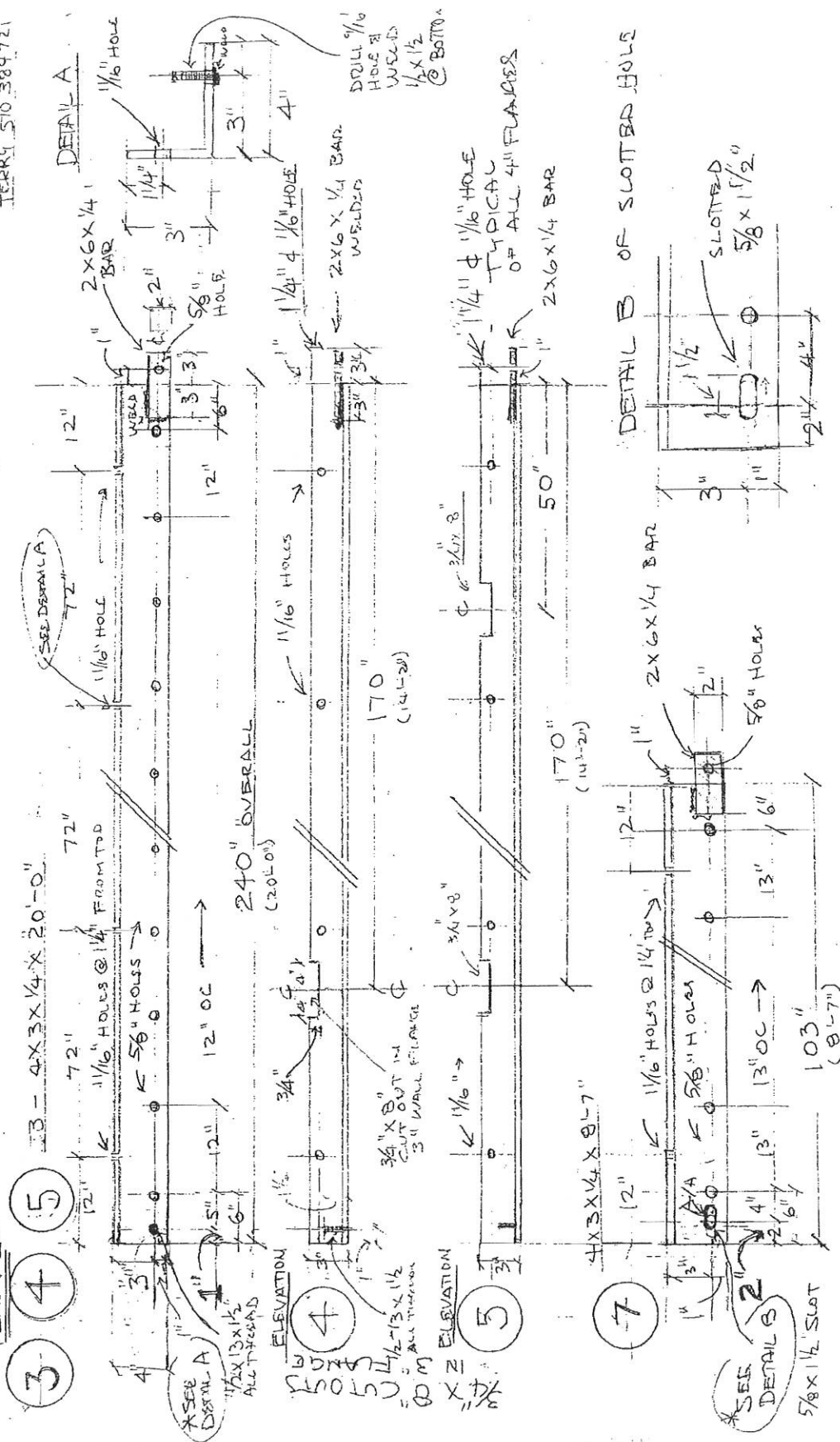
3511 N 4TH AVE
STATION - NEW YORK

11/10/75

is $1/2 - 1/3 \times 1 1/2$ AUTUMN READ

②

TERY 510 384721

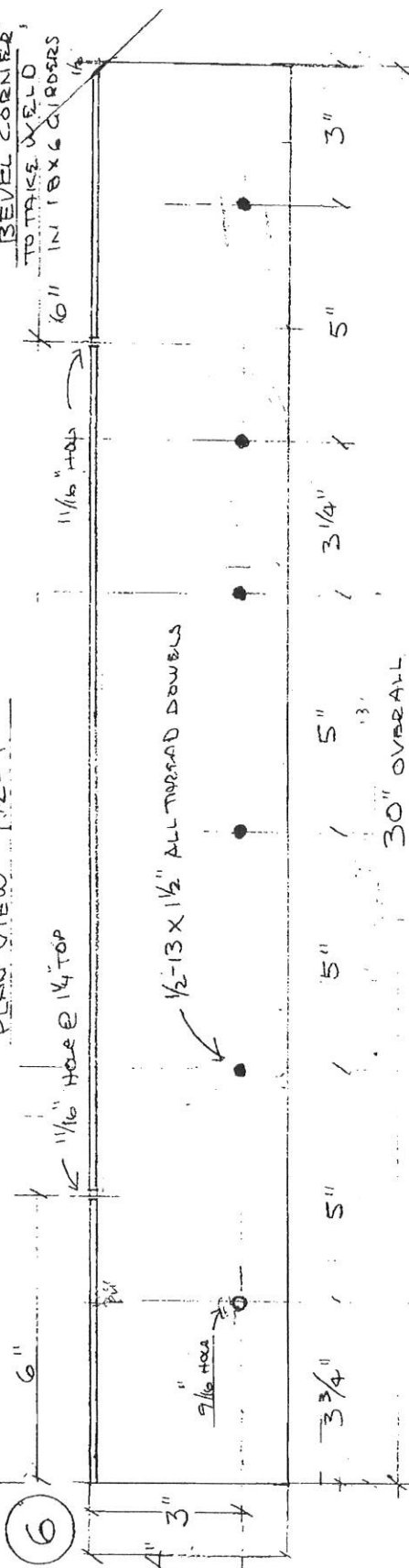


SIDE

4 X 3 X 1/4 X 30" ANGLE

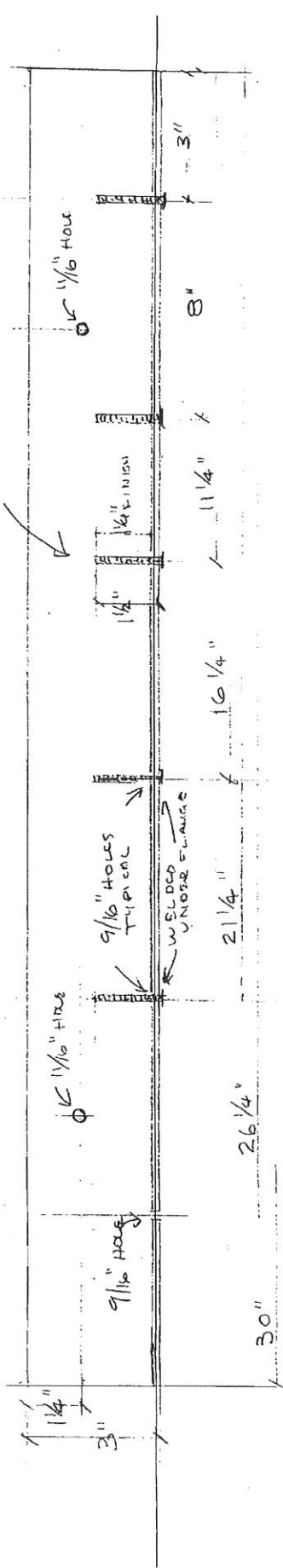
6

PLAN VIEW 1/2" = 1"



7

1/2-13 X 1 1/2 ALL THREAD



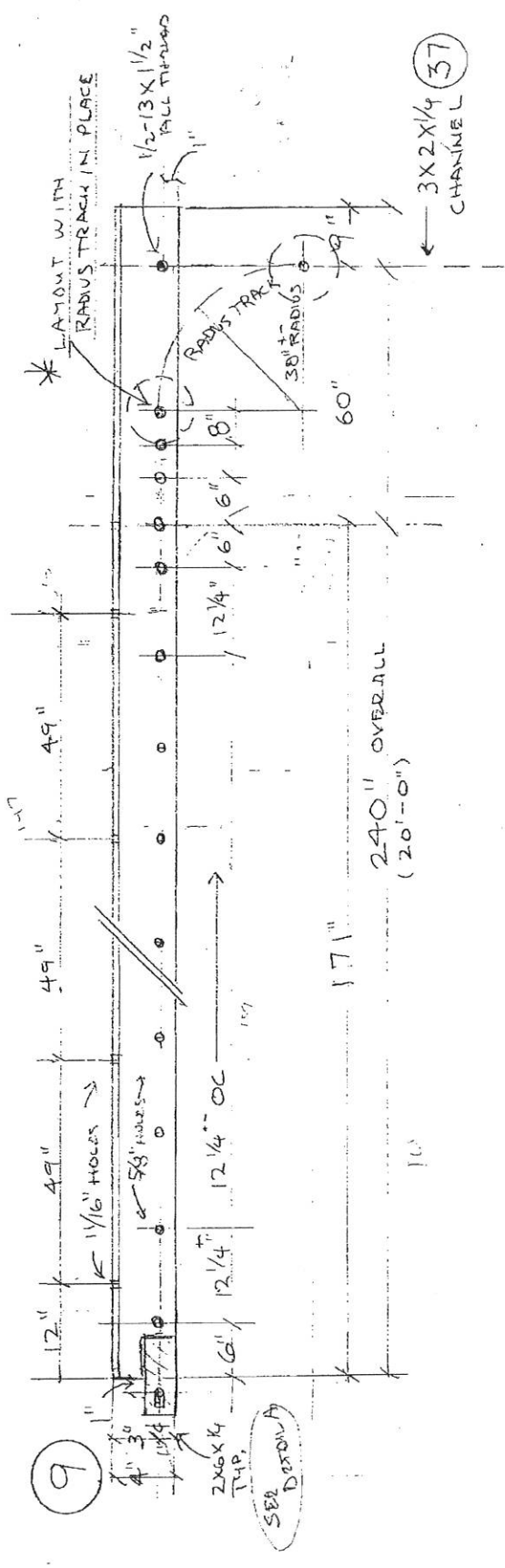
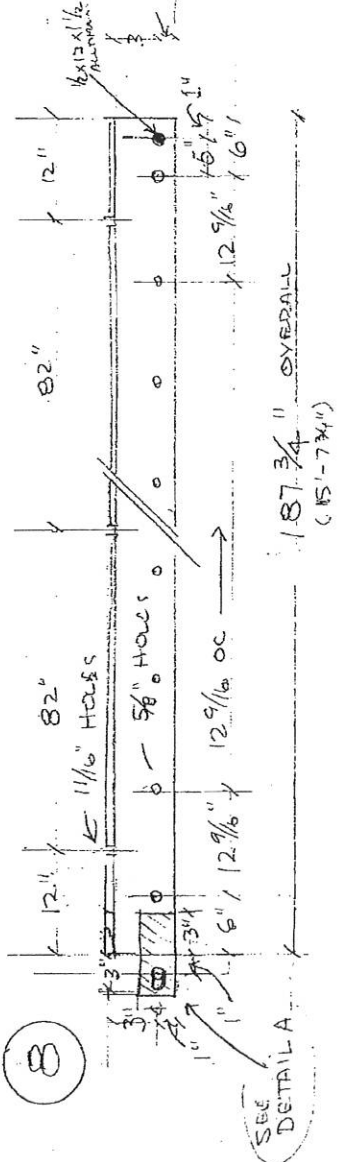
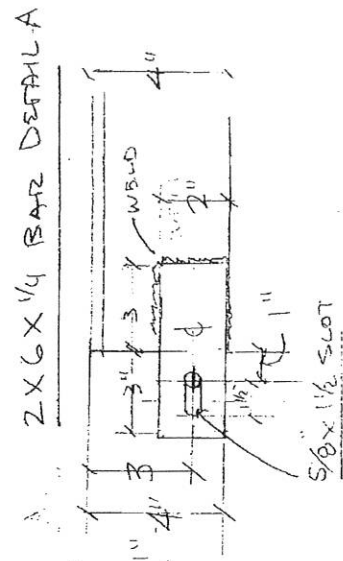
ELEVATION 1/2" = 1"

4

TERRY 510 384 7211

SIDE 4 4X3X1/4 ANGLES

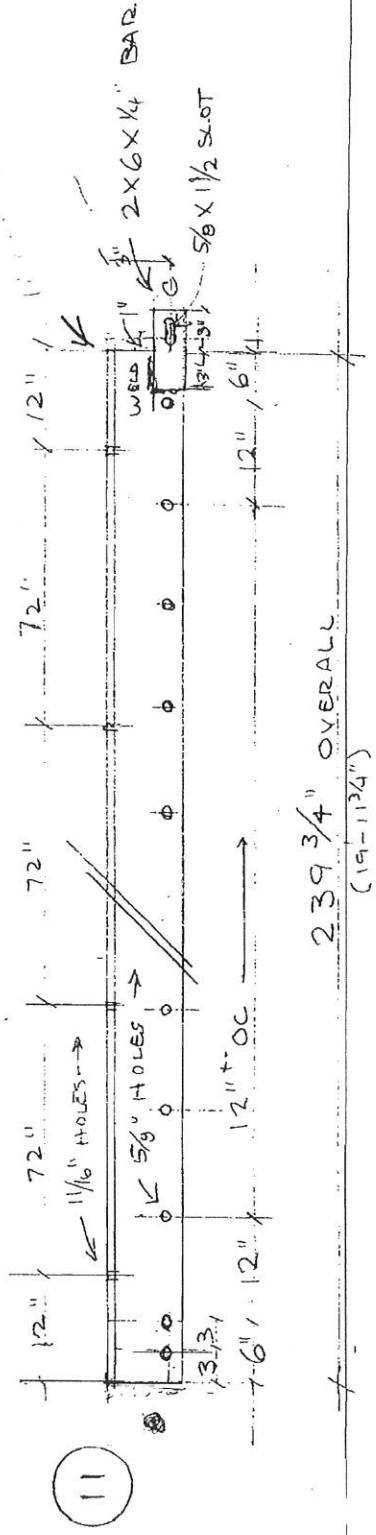
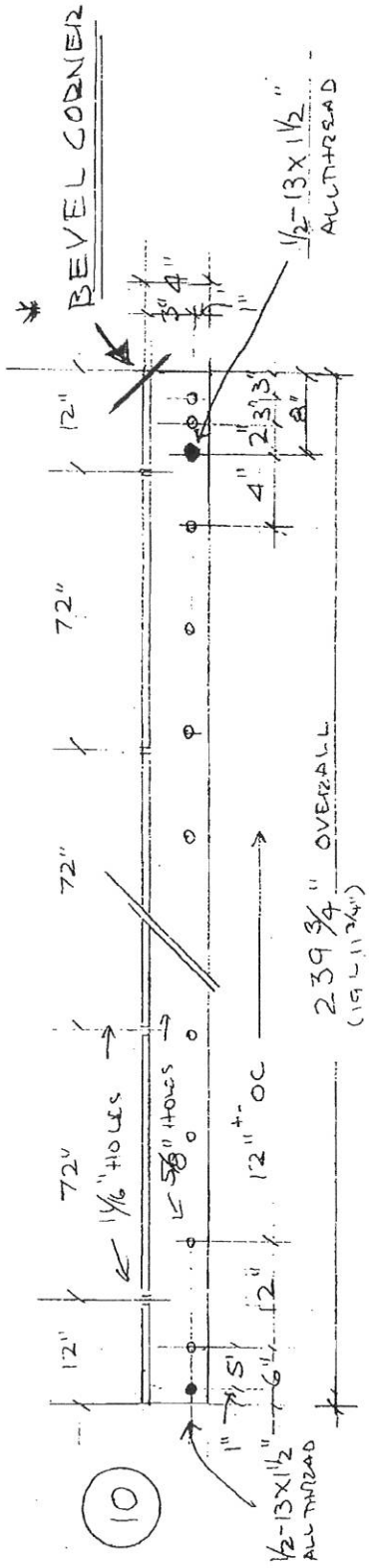
PLAN VIEW NOT TO SCALE



37

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TERRY 510 384 72-11

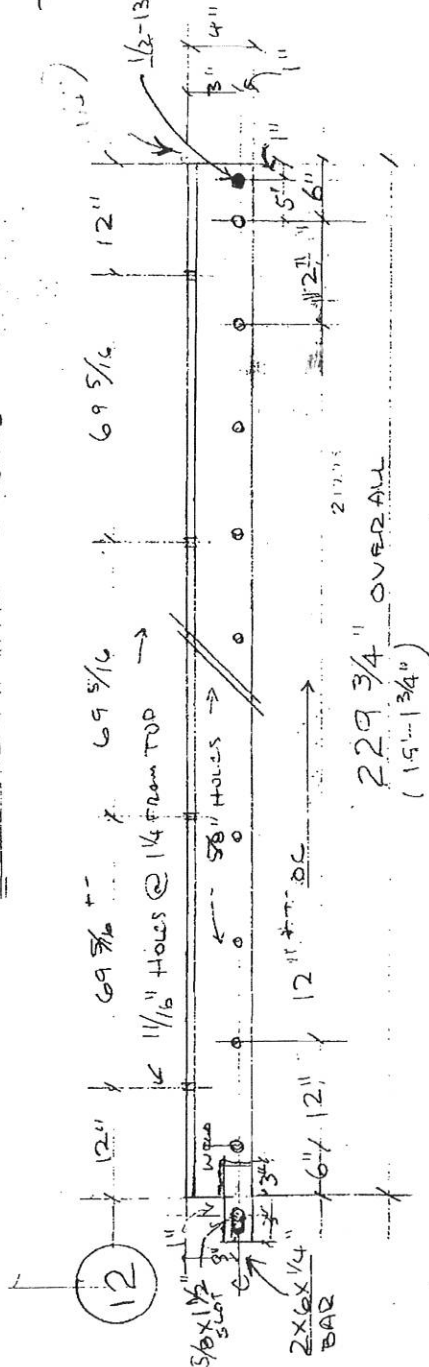


PLAN VIEW NOT TO SCALE

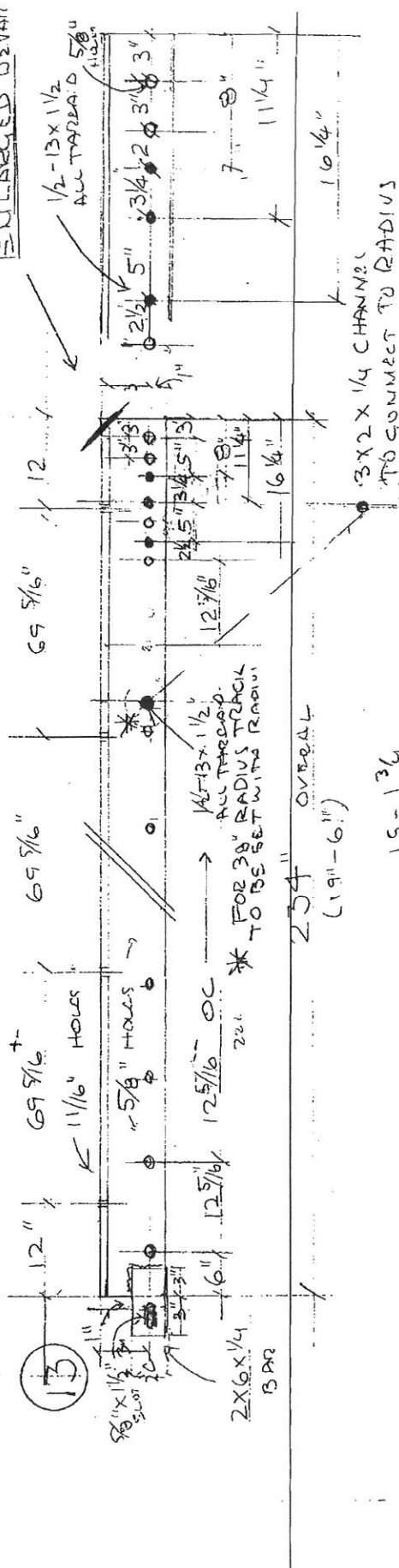
PLAN VIEW

105 PD SCALE

1/2-13x1 1/2 ALUMINUM



UNCLASSIFIED



19-13/4

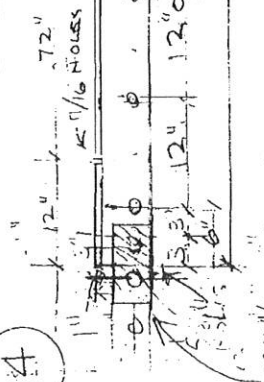
۵۱۵

5/02

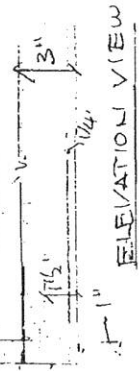
SIDE 1 4X3X1/4 ANGLE DETAILS

4X3X1/4X20'0" PLAN VIEW NOT TO SCALE

14



2X6X1/4 BAR
DRILL 9/16 HOLE - WELD FROM BOTTOM

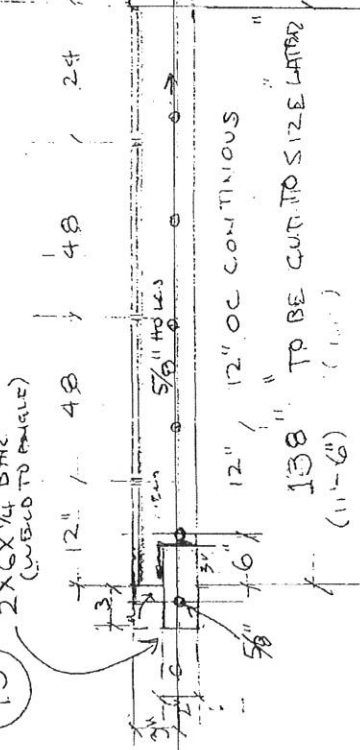


ELEVATION VIEW

4X3X1/4X11'0"

2X6X1/4 BAR
(WELDED TO ANGLE)

15



12" / 12" OC CONTINUOUS
138" TO BE CUT TO SIZE LATER
(11'-6")

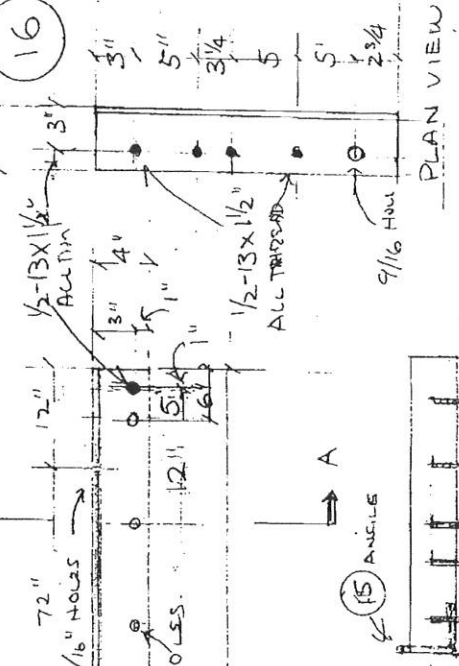
5/8" HOLE

WELDED TO ANGLE

ELEVATION 2X6X1/4 BAR

7
TERRY 570 380 7211

16



PLAN VIEW

* NOTE: DRILL 9/16 HOLE
WELD 1/2-13X1 1/2 ALL
THREADS @ BOTTOM

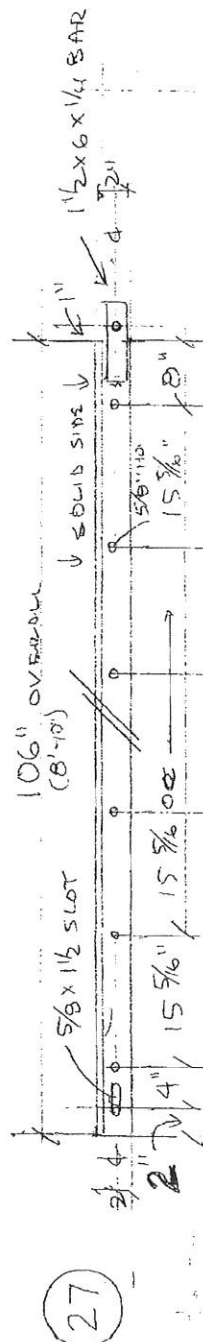
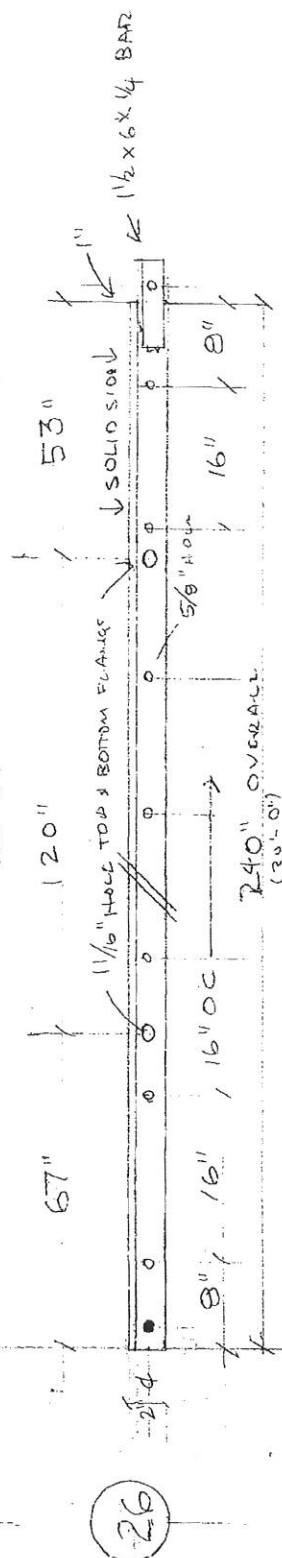
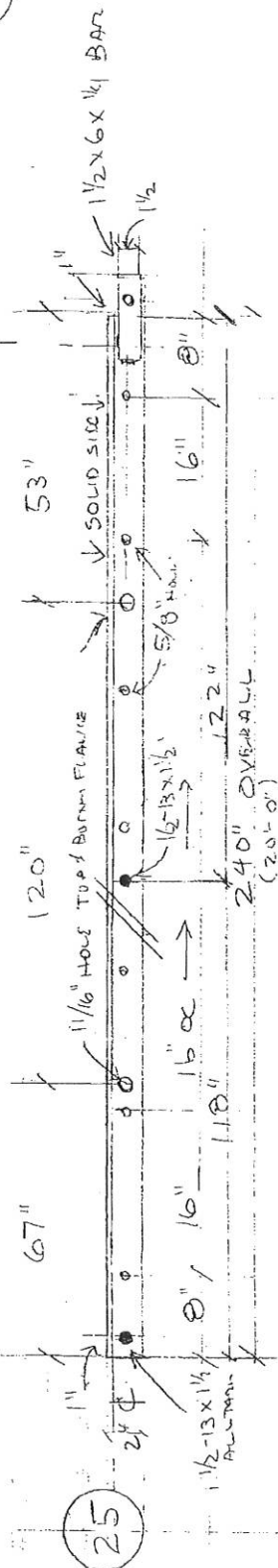
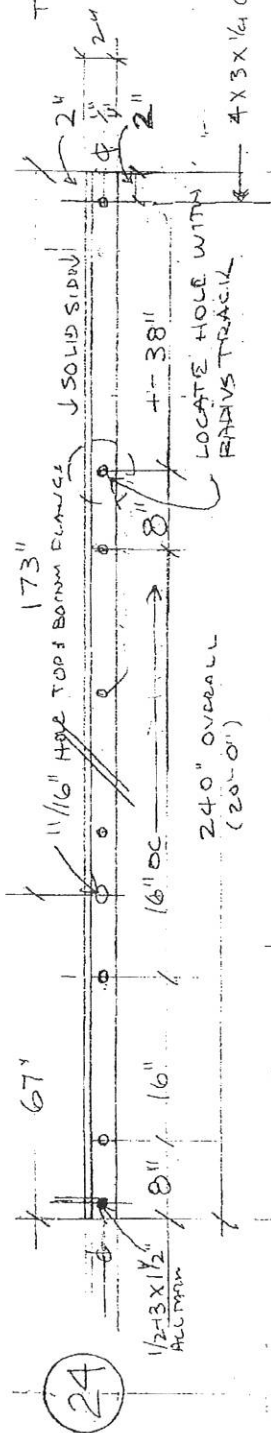
SECTION A-A OF #16

15 ANGLE

OPEN SIDE FACES AWAY FROM 18X6 GIRDERS

6

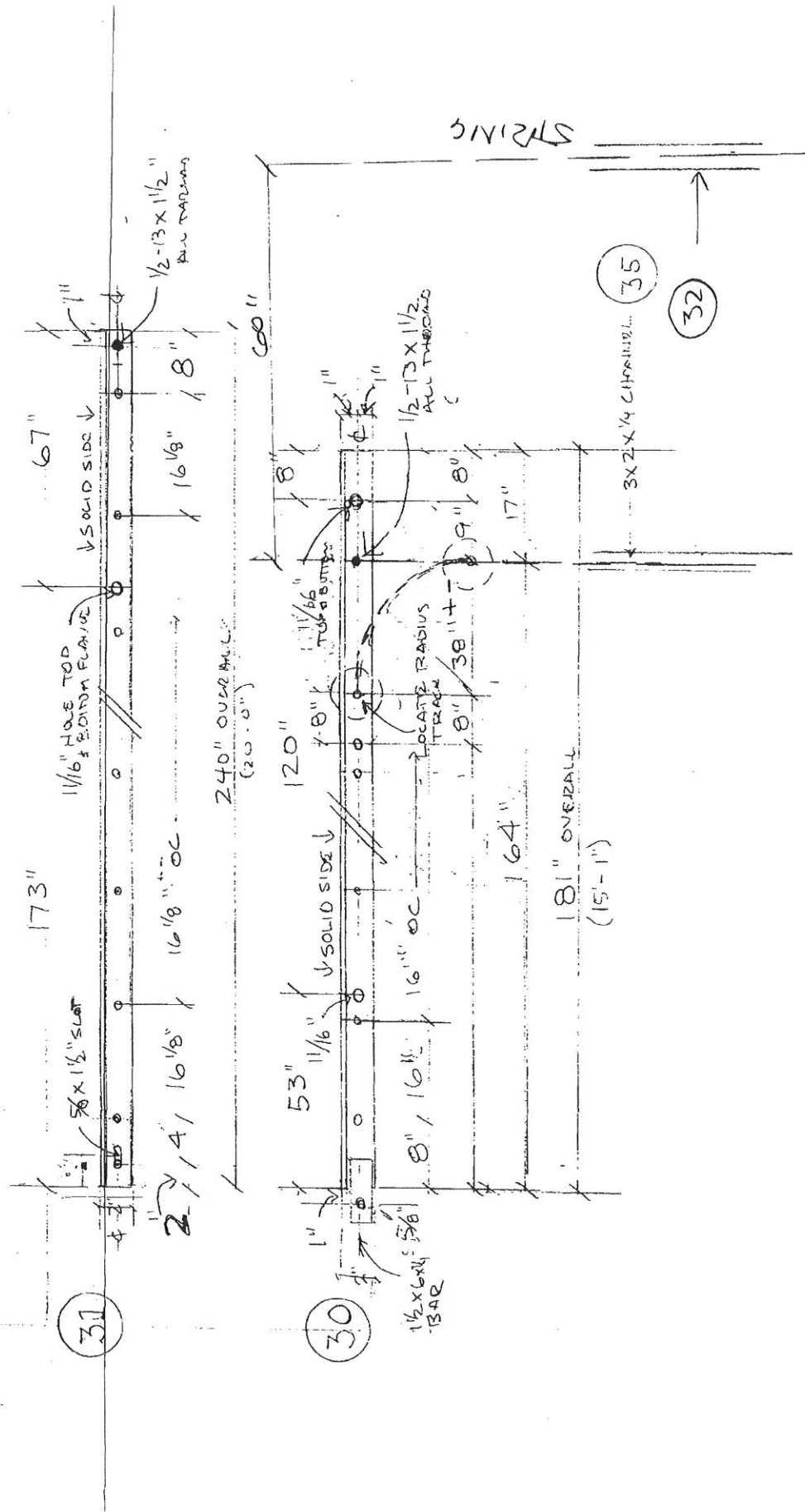
TER. 24 510 384 7211



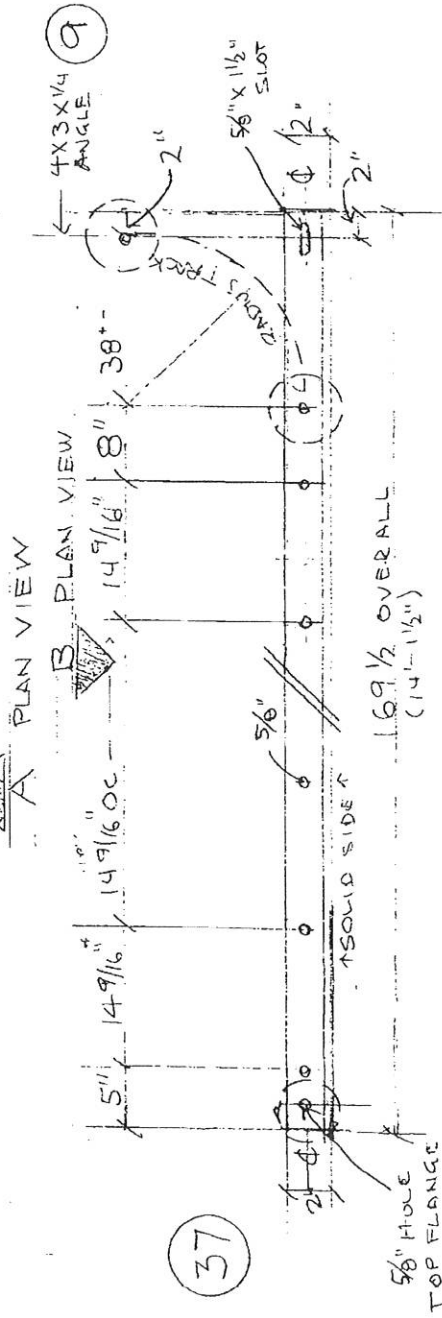
* OPEN SIDE FACES AVAILABLE FROM 16X8X3/4 TO 16X22X3/4

—

TE2224 510 384 7211



TE-2524 510 384 7211

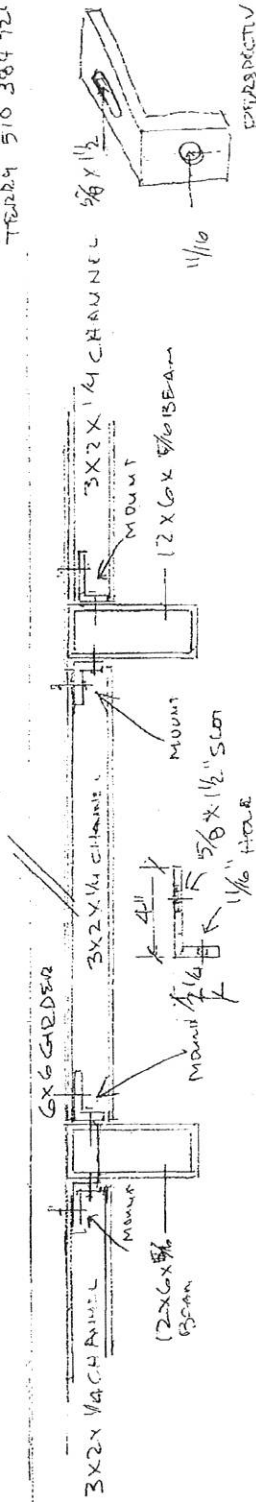


INSIDE 3X2X1/4 CHANNEL SECTION

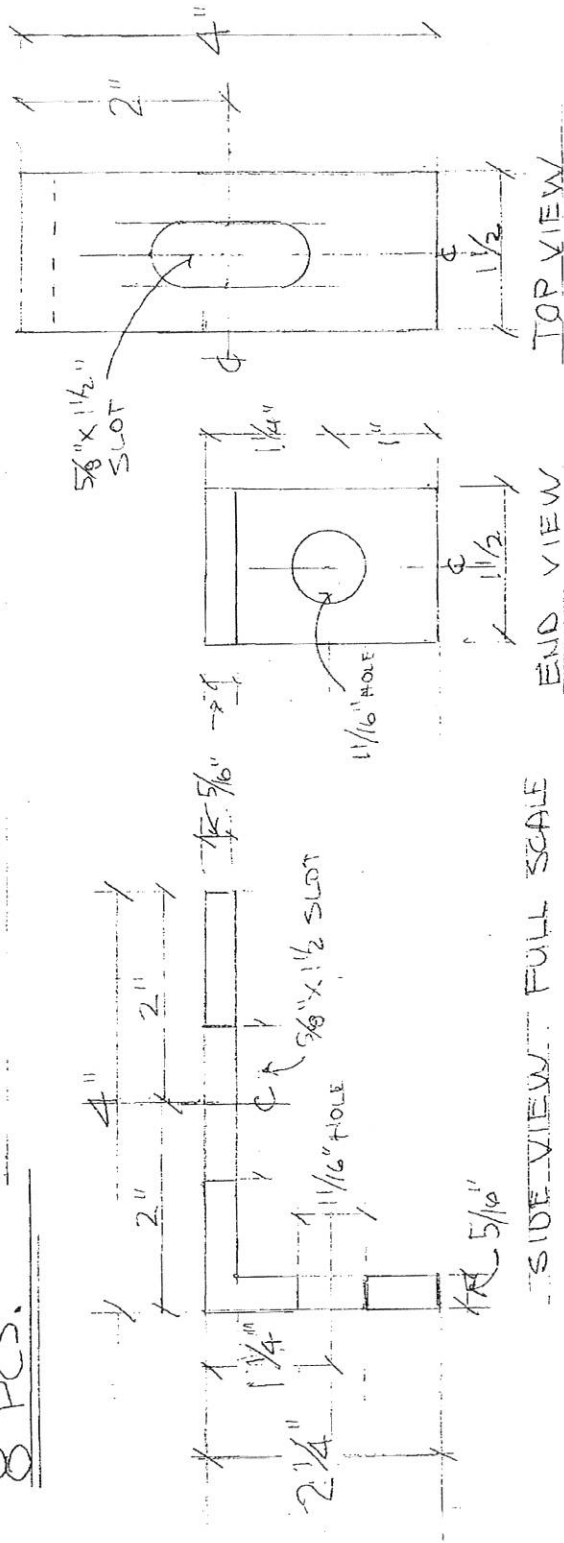
ANGLE MOUNT DETAIL

14

TER24 510 384 721



8 PCS.



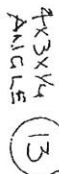
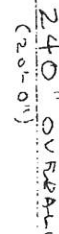
SIDE VIEW FULL SCALE

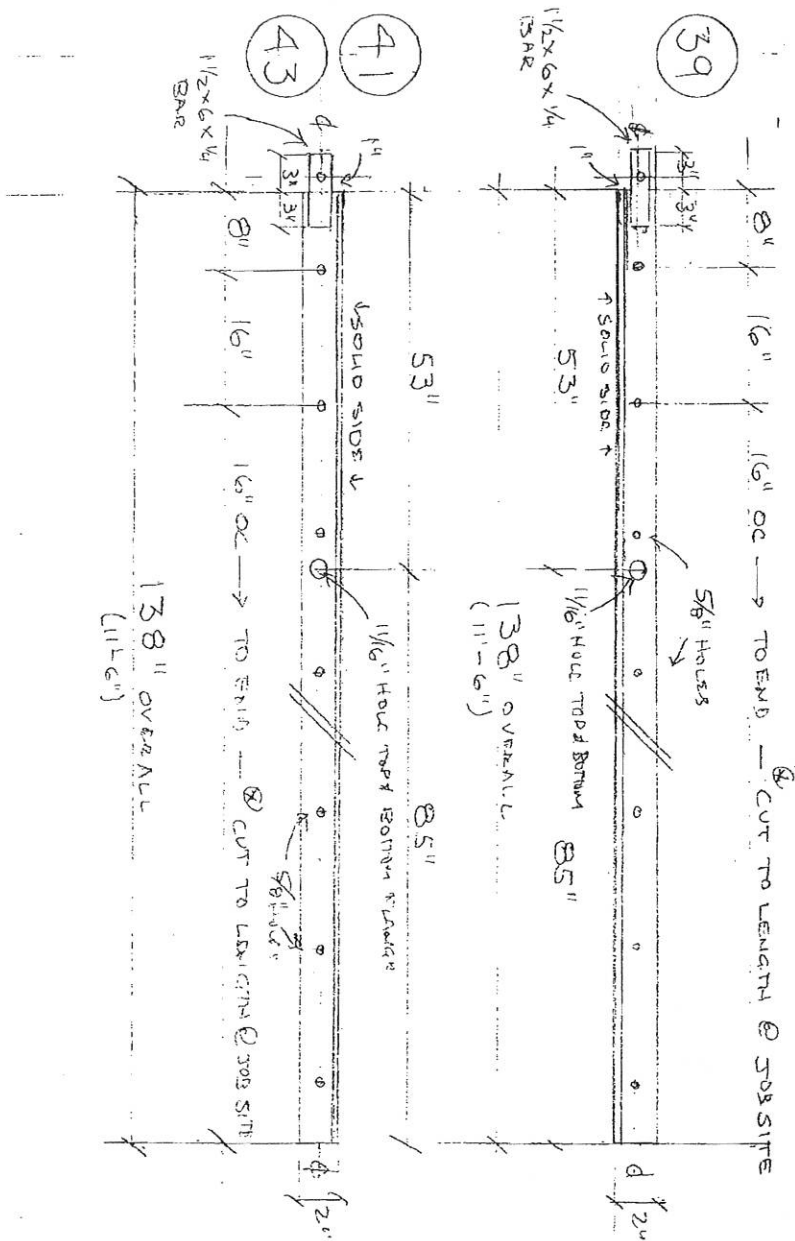
END VIEW

TOP VIEW

(5)

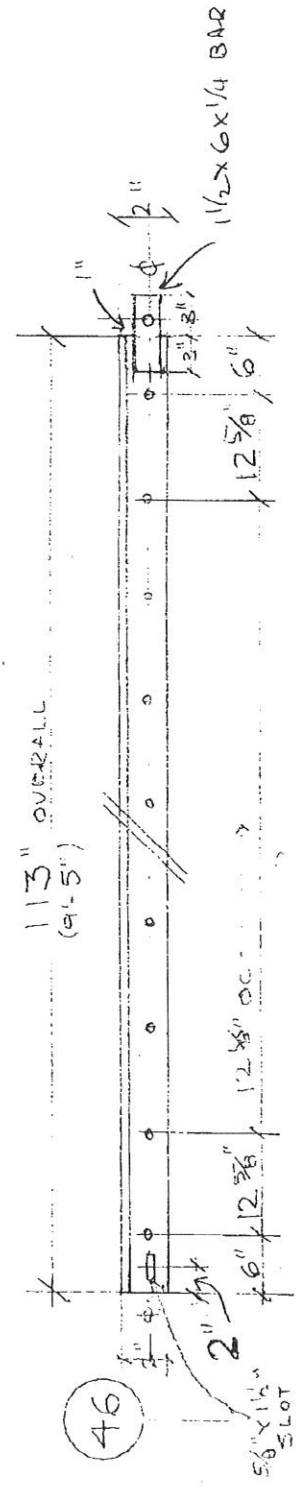
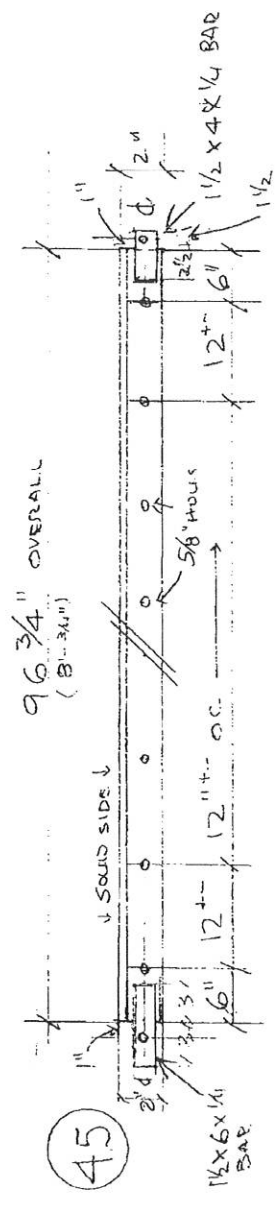
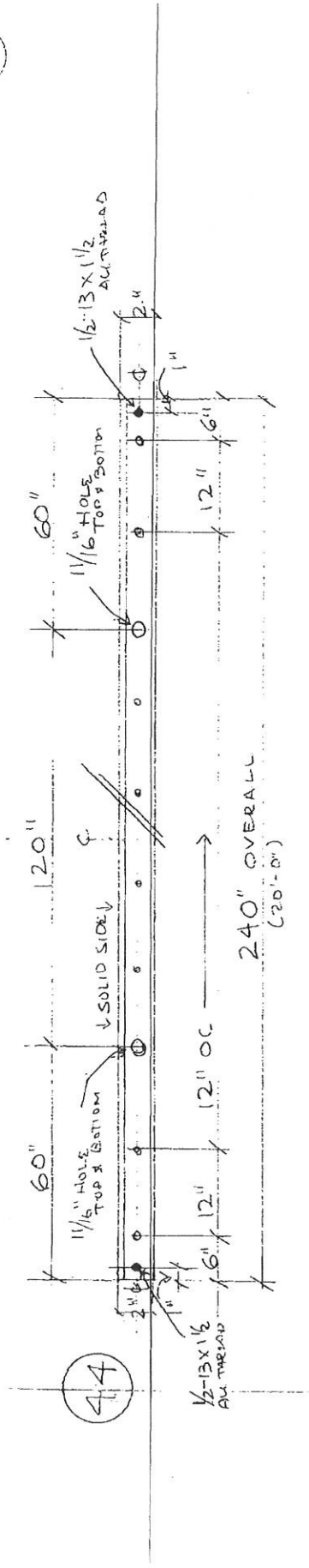
211 (15)





SIDE 2 3X2X1/4 CHANNEL

17



Subject: Word document copy of BCDC Permit 1985.019.09B
Date: Wednesday, January 9, 2013 2:58:57 PM PT
From: Ellen Miramontes
To: Reyna Amezcua
CC: Steve Hanson, Steve Fagalde, Julie Braun, Maryann Starn
BCC: Bob Batha, Brad McCrea, Adrienne Klein

Reyna,

Please provide a word document copy of BCDC Permit 1985.019.09B to Julie Braun, Maryann Starn, Steve Hanson and Steve Fagalde for their use in requesting an amendment to this permit.

Thank you,

--
Ellen Miramontes
Bay Design Analyst
SF Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

415-352-3643
<http://www.bcdc.ca.gov/>

Note to file 1.9.13

Just spoke with Steven Hanson by phone.

- He will request an amendment addressing the following:

- special events
- proposal for door structure
- retroactive authorization for storage unit

- He understands that door structure should not provide any physical or visual obstruction.

- I described normal plan review process.

- He will send drawings for wall structure being constructed now retroactively.

- Ellen Miramontes, Bay Design Analyst

Subject: Re: Matrix re violation letter BCDC May 16 2013
Date: Monday, June 3, 2013 5:08:29 PM Pacific Daylight Time
From: Adrienne Klein
To: Steven E. Hanson
CC: 'Steve Fagalde', Brad McCrea, John Bowers, 'Julie Braun', caroline@ellispartners.com, monique@jacklondonsquare.com, 'Jennifer Koidal'

Dear Steve,

I have reviewed your matrix and am providing a PDF copy with handwritten notes. Generally, you seem to have summarized the letter well but will note areas of correction and clarification. I provide my comments with the clear caveat that you should use our letter and not the matrix as the outline of the issues, steps to resolve them and prospective penalties and enforcement actions that may ensue.

We remain available to further discuss and explain the framework we have outlined should anyone at Scott's, the Port, Cushman and Wakefield or Ellis Partners have questions that either were not answered during Thursday's meeting or that have presented themselves since then.

As noted in the May 16th enforcement letter, the planters that were located in the Port's public access area during the site visit should be removed from the Port's and Scott's public access area as they are not approved when the Pavilion is public or private use.

I have included the designated staff from the Port, Cushman and Wakefield and Ellis Partners in my reply to this email as all communication between us should also include each of these parties.

Attached for your assistance is the link to our website where you can locate the instructions and form for completing the legal instrument, which were included with the letter but which I am nonetheless providing again.

<http://www.bcdc.ca.gov/forms/forms.shtml>

Sincerely,

Adrienne Klein
Chief of Enforcement
SF BCDC
50 California Street, Suite 2600
SF CA 94111
www.bcdc.ca.gov
415-352-3609

From: "Steven E. Hanson" <hansonsteven@gmail.com>
Date: Monday, June 3, 2013 10:34 AM
To: Adrienne Klein <adriennek@bcdc.ca.gov>
Cc: 'Steve Fagalde' <stevef@scottscorp.com>
Subject: Matrix re violation letter BCDC May 16 2013

Adrienne,

I appreciate the meeting we had last week on Thursday. I wanted to share with you the matrix that I created from your letter to help guide us as to the resolution of the problems you address.

If you have any brief comments please let me know. I think I am accurate in my interpretation, however, I



Notes by Adrienne Klein
 June 3, 2013
 This matrix does not supersede BDC's 35 day letter dated 5/16/2013

Matrix - May 16th Violation Letter - BCDC

Table of Violations and Course of Action recommendations			
Relevant Permits: BCDC Permits 1985.019A, 1985.019B Enforcement File ER2013.008			
Description of Violations Item A in letter	Appropriate Course of Actions & next steps - Item C in letter	Potential Amendments Item D in Letter	Enforcement Options Item E in letter
Unauthorized Metal doorway <i>Unauthorized</i>	Remove Metal Entry Doorway (& ALL Planters) within 45 days - July 1, 2013 - <div style="border: 1px solid black; padding: 2px; display: inline-block;">ASAP. If not done</div> staff may commence a formal enforcement proceeding Note: AS of 5/30, easy to remove planters were in place. Remove Storage and not reinstall until approvals are obtained within 45 days or July 1, 2013 <i>area ASAP</i>	Scott's Letter to BCDC dated - April 16, 2013 requesting permission to legalize metal entry gate and planters. <i>(Amnt to 1985.019B)</i>	D.1 Executive Director issues Cease and Desist Order and Civil Penalty Order. This will be if Scott's takes any further actions that constitute violation of law or permit conditions. By way of example having the Pavilion closed to public access during construction for 73 days- e.g. used all the private days in construction yet still hold events including memorial service on April 26th and Planning Coalition on May 2, 2013. D.2 Commission Cease and Desist and Civil Penalty Order If violations are not corrected by July 1, 2013 (45 days) Scott's may not be able to settle with standardized fines
Failure to obtain BCDC staff approval of a complete set of design and construction plans prior to replacing tent walls	Submit and obtain staff approval of a full set of plans for the retractable wall panel system No later than June 7th.	Failure to remove unauthorized structures will subject Scott's to administrative and civil penalties and a desist and civil penalty order and double fines	D.3 Commission could revoke all permits associated with the Pavilion and any of its private operations (or I assume establish new and stricter regulations and address other issues). <i>staff</i>
Failure to comply with Three special conditions of permit a. Six year of reports of private events b. Permanently guaranteeing the Pavilion as a public access	a. Submit six years of reports of private vents for the Calendar Years 2008-2013 that meet the requirements of the Scott's permit b. Submit legal instrument (agreement or deed restrictions) to		D.4 The Commission and its administration can issue standardized fines. Scott's has a 35-day grace period from the date of this letter to resolve the violations cited in Section F of the letter (summarized below). Counting 35 calendar days from May 16 th provides that June

without standardized fines.

area c: installing and maintaining all of the public access improvements (seating, tables and public signage for a minimum of 292 days/year).	dedicate the public access. <i>designs</i> c. install public tables and chairs and repair the neon sign. <i>pursuant to staff approved plans.</i>	21, 2013 would be the deadline- <i>start of the standardized fine clock</i>	D.5 Court imposed Penalties are the last which could include <u>significant</u> penalties
Section B - Permit Requirements			
<p>Description of BCDC Permit NO. 1985.019 to the Port of Oakland</p> <p>On July 8, 1997 the Commission split this permit into two separate permits. BCDC Permit 1985.019A which covers all of Jack London Square except Scott's Seafood Restaurant and BCDC Permit No. 1985.019B which covers only Scott's Seafood Restaurant and the Port of Oakland. The permit requirements are summarized in this section.</p>			
Section F - Description of Each Violation and Associated Standardized Fines			
<p>Four Unauthorized Structures</p> <p>1a-Metal-framed entry doorway</p> <p>1b-Storage Area and Stage</p> <p>1c-Wood and metal-frame wall (near back)</p> <p>1d- Multiple planters <i>and any item placed in the Port's public access area with prior BCDC staff plan approval</i></p> <p>----</p> <p>Violation of BCDC's authority under McAteer-Petris Act via construction of a metal-framed entry doorway, storage are and stage, wood and metal-framed wall and installation of multiple planters in and adjacent to the Pavilion without first obtaining the necessary authorization. BCDC Suggested Solution: You may resolve each of these four violations either by removing these unauthorized structures or obtain necessary authorization. The requirement for obtaining necessary permits would take <i>few</i> material permit amendments to both the Scott's and the Port's permits.</p> <p>Standardized Fines for Violations: BCDC indicates that to avoid fines remove all unauthorized structures until permits are <i>amendment obtained</i> <i>required</i> <i>Fileable applications to be otherwise submitted between 36 and 65 days and permit amendments are obtained within 155 days a standardized fine of \$2,000 per violation with resolve the violation. and possibly if that would result in</i></p> <p>2. Retractable Wall Panel System</p> <p>Scott's installed the Retractable wall Panel system by undertaking the unauthorized construction of the system prior to obtaining staff approval of design and construction plans. Resolution: Obtain staff approval of plans and modify as necessary "as-built" structure so that it is consistent with BCDC approved plans. Any required modifications made between 36 and 65 days after May 16, 2012 may be resolved by paying a standardized fine of \$1,000. Etc.</p> <p>3. Event Scheduling and Reporting <i>pursuant to BCDC staff approved plans</i></p> <p>Involves the failure to comply with the requirements of Special Condition II-B-2-c including Exhibit A of the Permit by not submitting quarterly schedules of private events to be held during the period from 2008 through 2012. And Failed to submit an annual summary of events for these same six year periods. 30 Quarterly</p>			

-3- Documents must be submitted and 6 annual documents.

4. Permanent Guarantee

Must provide a permanent Guarantee by drafting and submitting a CC&R – Covenants Conditions and Restrictions document using form on BCDC website.

5. Improvements Within the Public Access Area.

This requires Pavilion to include public tables and seating - 15 tables and four seats per table and five additional tables with two seats per table – repairing the Neon signs –and installing temporary sign when the Pavilion is in private use

Section G - Pending Submittals

We have received and will respond within the next two weeks to the plans for (1) the retractable wall panel system (and the amendment request for the unauthorized structures) and the 2012 Events Report, received on April 17 and 22, 2013.

Subject: Matrix re violation letter BCDC May 16 2013
Date: Monday, June 3, 2013 10:34:42 AM Pacific Daylight Time
From: Steven E. Hanson
To: 'Adrienne Klein'
CC: 'Steve Fagalde'

Adrienne,

I appreciate the meeting we had last week on Thursday. I wanted to share with you the matrix that I created from your letter to help guide us as to the resolution of the problems you address. If you have any brief comments please let me know. I think I am accurate in my interpretation, however, I have not the same number of violations as you suggest because I was just assuming that the violations relative to reports (for example) counted as one.. I understand now that this is not how you are counting these issues. I am looking forward to the response letter to our last communication. We will be working diligently addressing BCDC's concerns yet addressing concerns that we have as well.

Thanks

Thanks
Steve Hanson

hansonsteven@gmail.com

415-314-0172

My website:

<http://sites.google.com/site/hansonstevenwork/>



March 8, 2013

Ms. Ellen Miramontes
Bay Design Analyst
SF Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

RE: Public Pavilion
Jack London Square

Dear Ellen:

As you are aware, Scott's Seafood Restaurant has been pursuing BCDC's approval for a modified wall system to replace the canvas curtain walls of the Public Pavilion in Jack London Square for the past couple of months. I am inquiring as to the status of BCDC's approval of this project since I have been unable to obtain a copy of this permit approval directly from Scott's. Since the Public Pavilion is a part of the Common Areas of Jack London Square, we must insure that it meets and complies with all applicable regulatory agency requirements, codes, and ordinances, and must have copies of approved permits for our risk management purposes.

If BCDC has issued an approval or permit for the new wall system in the Public Pavilion I would greatly appreciate it if you could email a copy to me at jbrown@portoakland.com, or fax to (510) 893-2793. Please don't hesitate to contact me at (510) 627-1144 if you have any questions.

Sincerely,

Julie Braun
Commercial Representative V

cc: Steve Fagalde, Scott's Seafood Restaurant
Dorin Tiutin, Commercial Real Estate Division
Pamela Kershaw, Commercial Real Estate Division
Joshua Safran, Port Attorney's Office

BRISCOE IVESTER & BAZEL LLP

155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
FAX (415) 398-5630

Peter Prows
415-402-2708
pprows@briscoelaw.net

30 September 2013



SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

By Hand Delivery

Adrienne Klein
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Dear Ms. Klein:

Please accept two permit amendment applications for development at Scott's Restaurant in Jack London Square, Oakland.

The first application is for an amendment to permit no. 1985.019B. This application seeks after-the-fact authorization for a permanent door and frame on the south wall of the main Pavilion entryway. Scott's Jack London Seafood, Inc., is the applicant, and the Port of Oakland is the co-applicant, for the first application. This application includes: one copy of a large-scale project site plan and other project drawings; one copy of an 11"x17" site plan and other project drawings; seven copies of the 8.5"x11" project site plan, public access and open space plan, and vicinity map; one copy of the lease between Scott's and the Port; one copy of the parcel map; one copy a proposed CEQA document; and a check for the application processing fee (see below).

The second application is for an amendment to permit no. 1985.019A. This application seeks after-the-fact authorization for a storage area adjacent to the Pavilion, and prospective authorization for a new breezeway door to the north of that storage area and for new planters around the Pavilion. The Port of Oakland is the applicant, and Scott's Jack London Seafood, Inc. is the co-applicant, for the second application. This application includes: one copy of a large-scale project site plan and other project drawings; one copy of an 11"x17" site plan and other project drawings; seven copies of the 8.5"x11" project site plan, public access and open space plan, and vicinity map; one copy of the lease between Scott's and the Port; one copy of the parcel map; one copy a proposed CEQA document; and a check for the application processing fee (see below).

BRISCOE IVESTER & BAZEL LLP

Adrienne Klein

September 30, 2013

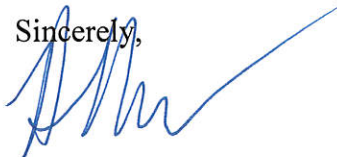
Page 2

Each application is accompanied by a check for \$1400, which is intended to cover the application processing fees. These amounts were calculated on the assumption that each application is for a material amendment to a major permit with a total project cost of between \$50,000-\$100,000. The BCDC application fee chart specifies an application fee of \$700 for this type of application. That amount was then doubled because these applications arise from BCDC enforcement action.

Preliminary title reports establishing that the Port of Oakland owns the project sites are not included. Those reports are bulky and expensive. Please let me know if you require a preliminary title report.

I look forward to working with you and BCDC staff on these applications. Please don't hesitate to contact me with any questions or concerns.

Sincerely,



Peter Prows

/psp

Enclosures

Amendment No.	<u>11 to 1985.61900</u>
Rec'd on	<u>9/30/13</u>
Staff asgnd	<u>Adrienne</u>
Logged on	<u>10/2/13</u>
Fee Paid	<u>\$1,400 - C/CN^o - 73901</u>
Non-Mat	<u>✓</u>

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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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BCDC Application Form

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Amendment to BCDC Permit
19-85(B) Amendment 11

For BCDC Use Only

Application number:

Fee:

11 to 1985.019 B
\$1400
C/2102-93901

Application Note: permanent Doors Public Pavilion

(Application B)

Checklist of Application Requirements (For Applicant's Use)

	Major Permit	Administrative Permit	Regionwide Permit
<input checked="" type="checkbox"/> Application Form	One fully completed and signed original and seven copies	One fully completed and signed original	One fully completed and signed original
<input checked="" type="checkbox"/> Large Scale Project Site Plan	One copy	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Project Site Plan	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Public Access and Open Space Plan	Seven copies	One copy	None
<input checked="" type="checkbox"/> 8.5"x11" Vicinity Map	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> Proof of Legal Property Interest	One copy	One copy	One copy
<input checked="" type="checkbox"/> Local Government Discretionary Approval	One copy	One copy	None
<input checked="" type="checkbox"/> Environmental Documentation	One copy of environmental determination and EIR or EIS Summary	One copy of environmental determination	None
<input type="checkbox"/> N/A Water Quality Certification/Waiver	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Dept. of Toxic Substances Control Approval	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Biological Opinion/Take Authorization from state and federal agencies	One copy, if applicable	One copy, if applicable	Not applicable
<input checked="" type="checkbox"/> Application Processing Fee	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M
<input checked="" type="checkbox"/> Notice of Application*	Posted at project site	Posted at project site	Posted at project site
<input checked="" type="checkbox"/> Certification of Posting the Notice of Application*	One signed original returned to BCDC	One signed original returned to BCDC	One signed original returned to BCDC

*BCDC staff will provide the forms for posting the Notice of application and the Certification.

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resources Code.
Reference: Sections 65940-65942, 66605, 66632(b) and (f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.

Box 1

Property Ownership and Applicant Information (must be completed by all applicants)

a. APPLICANT:

☐

Owens
project
site

☒

Leases
project
site

☐

Homeowner
Association
owns/will own

☐

Other Property Rights: _____

Name/Title: Scott's Jack London Seafood, Inc

Address: 255 3rd Street, Suite 102

City, State, Zip: Oakland, CA 94607

Telephone: (510) 302-0999 Fax: (510) 302-0995

Email: stevef@scottscorp.com

I hereby authorize John Briscoe, Attorney at Law (Briscoe, Ivester & Bazel, LLP)
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Applicant

Stephen E Fagalde
Print Name

09/24/2013
Date (mm/dd/yyyy)

APPLICANT'S REPRESENTATIVE: ☐ None

Name/Title: John Briscoe, Attorney (S.Hanson consultant)

Address: 155 Sansome Street

City, State, Zip: San Francisco, CA 94104

Telephone: (415) 402-2701 Fax: (415) 398-5630

Email: jbriscoe@briscoelaw.net

b. CO-APPLICANT:

☒

Owens
project
site

☐

Leases
project
site

☐

Homeowner
Association
owns/will own

☐

Other Property Rights: _____

Name/Title: Port of Oakland

Address: 530 Water St.

City, State, Zip: Oakland, Ca 94607

Telephone: (510) 627-1184 Fax: (510) 465-3755

Email: rsinkoff@portoakland.com

I hereby authorize
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Co-Applicant

RICHARD SINKOFF
Print Name

9-24-2013
Date (mm/dd/yyyy)

CO-APPLICANT'S REPRESENTATIVE: ☐ None

Name/ Title: Richard Sinkoff, Director Environmental Programs and Planning

Address: 530 Water Street

City, State, Zip: Oakland, CA 94607

Telephone: (510) 627-1184 Fax: (510) 465-3755

Email: rsinkoff@portoakland.com

c. PROPERTY OWNER: ☒ Same As Applicant or Co-Applicant

Name/Title: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email: _____

I hereby authorize
to act as my representative and bind me in all matters concerning this application.

Signature of Owner

Print Name

Date (mm/dd/yyyy)

OWNER'S REPRESENTATIVE: ☐ None

Name/Title: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email: _____

(Box 1, Property Ownership and Applicant Information, continued)

- d. Provide documentation of property interests, such as a copy of a grant deed, lease or easement, and Conditions Covenants and Restrictions, for a homeowner's association, that demonstrates that the owner or applicant has adequate legal interest in the property to undertake the proposed project. See Commission regulations Appendix F for complete details.

e. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

The following contributions of more than \$250 were made by the applicant or applicant's representative to a BCDC commissioner or commissioner's alternate in the preceding twelve months to support the commissioner's or alternate's campaign for election to a local, state or federal office.

Contribution Made To:	Contribution Made By:	Date of Contribution:
_____	_____	_____
_____	_____	_____

☒ No such contributions have been made.

f. CERTIFICATION OF ACCURACY OF INFORMATION AND AUTHORIZATION TO INSPECT:


I hereby certify under penalty of perjury that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission. I further agree that the Commission staff may, with 24 hours notice, inspect the project site while this application is pending.

■ 

Signature of Applicant or Applicant's Representative

09.24.2013

Date (mm/dd/yyyy)

■ 

Signature of Co-applicant or Co-applicant's Representative

9-24-2013

Date (mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date(mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date (mm/dd/yyyy)

Box 2

Total Project and Site Information (must be completed by all applicants)

- a. Project Street Address: 2 Broadway
- b. City, County, Zip: Oakland, CA 94607
- c. Assessor's Parcel Number(s): 18-415-5 (Portion thereof)
- d. Latitude: 37°47' 38.32" N Longitude: 122°16' 35.34" W
- e. Previous BCDC permit number(s) for work at this site: 1985.019B
- f. Project Name: Public Pavilion - (Replacement Door on South entry Amendment Application)
- g. Brief Project Description: Installation of permanent door and door frame on the south wall of the main Pavilion entryway. [This is an amendment for Permit 1985.019B only](#)
- h. Date work is expected to begin: March 2013
- Date work is expected to be completed: August 2013
- i. Total Project Cost: \$ \$50,000, Includes only door system
- j. Length of shoreline on the project site: 75 (for Pavilion portion) feet
- k. Length of shoreline at adjacent property owned or controlled by the applicant: _____ feet
- l. Approximate size of project site within BCDC's "shoreline band" jurisdiction: 3, 818.75 (new door occupies 3.22 sf) 581.25 sf are outside of band square feet
- m. Approximate size of project site within BCDC's "Bay" or "certain waterway" jurisdiction: N/A square feet
- n. Approximate size of project site within BCDC's managed wetland or salt pond jurisdiction: N/A square feet
- o. Approximate size of project site within the Suisun Marsh: N/A square feet
- p. Approximate size of project site outside of BCDC's jurisdiction: N/A square feet
- q. Approximate total size of project site (including areas outside BCDC's jurisdiction): 4,400 sq.ft.(total project) square feet
- r. Area of total project site reserved for non-public access uses: N/A (door is 3.22 sf of site) square feet
- s. Area of total project site reserved for public access: 4,400 sq. ft. (per permit requirements) square feet
- t. Does the project involve development within the primary management area of the Suisun Marsh?
☐ Yes ☒ No

If "Yes," provide any relevant duck club number(s): N/A

(Box 2, Total Project and Site Information, continued)

Please note that this application addresses the Pavilion Emergency Exit

door system only which occupies at its base 3.22 sf. The totals below

u. Project Details. Complete all that apply.

address the full Pavilion Site under the Pavilion Roof

Proposed Elements of the Project	In BCDC's Bay, Certain Waterway, Managed Wetlands or Suisun Marsh Jurisdiction*	In BCDC's Shoreline Band jurisdiction	Outside BCDC's jurisdiction	Totals
1. Structures	_____sq.ft.	3,818.70sq.ft.	581.30sq.ft.	4,400sq.ft.
2. All Roads, Parking, Pathways, Sidewalks	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
3. Number of Parking Spaces:				
4. All Landscaping	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
5. Left undeveloped	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
6. Shoreline Protection	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
7. Piers, docks and other marine-related purposes	_____sq.ft.	_____sq. ft.	_____sq.ft.	0sq.ft.
8. Areas used for other purposes (specify)	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
Totals:	0sq.ft.	3,818.70sq.ft.	581.30sq.ft.	4,400sq.ft.

* If project will occur in more than one of these jurisdictions, provide the requested information for each area separately.

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.
2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.
3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.
4. Endangered or Threatened Species.
 - a. Identify any known threatened or endangered species, or any species that the California Department of Fish and Game or a federal wildlife agency has determined are candidates for listing as threatened or endangered species, or any species that provide substantial public benefits that may be found at the project site.
 - b. Provide any "biological opinion" issued by a state or federal agency as the result of an endangered species consultation.
 - c. Provide any "take" authorizations issued by the state or federal resource agencies.
5. Identify any subtidal areas that are scarce or that have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).
6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.
7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.
8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.
9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.
10. **PROJECT PLANS:** Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay). **See also Appendix F for details.**

Box 3

Fill Information

("Fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. Gov. Code Section 66632(a))

a. Complete this box if fill would be placed in any of these areas (check all those that apply):

- ☐ San Francisco Bay
 ☐ Salt pond
 ☐ Managed wetland
 ☐ "Certain waterway"

☐ Primary management area of the Suisun Marsh
 Other: _____

b. Surface area of tidal and subtidal property to be covered with fill: _____ square feet

c. Total volume of solid fill to be placed in tidal and subtidal areas: _____ cubic yards

d. **Type of Fill.** Surface area of proposed:

Solid fill:	_____	square feet
Floating fill:	_____	square feet
Pile-supported fill:	_____	square feet
Cantilevered fill:	_____	square feet
Total area to be filled:	<div style="border: 1px solid black; width: 150px; height: 30px;"></div>	square feet

e. **Types of Areas to be Filled.** Of the total area to be filled, what is the footprint of fill that would be placed in:

Open water:	_____	square feet
Tidal marsh:	_____	square feet
Tidal flat:	_____	square feet
Salt pond:	_____	square feet
Managed wetlands in the primary management area of the of the Suisun Marsh:	_____	square feet
Other managed wetlands:	_____	square feet

f. Area on new fill to be reserved for:

Private, commercial, or other non-public-access uses:	_____	square feet
Public access:	_____	square feet

(Box 3, Fill Information, continued)

g. INFORMATION REGARDING FILL (PROVIDE IN AN ATTACHMENT):

1. Provide dimensions of portions of all structures to be built on new fill, including length, width, area, height and number of stories.
2. Provide one or more photographs of existing shoreline conditions.
3. Explain the purpose of fill in the Bay, salt pond, managed wetland, certain waterway, or Suisun Marsh considering that the Commission can approve new fill for only five purposes: (a) accommodating a water-oriented use; (b) minor fill for improving shoreline appearance; (c) minor fill for providing new public access to the Bay; (d) accommodating a project that is necessary to the health, safety, or welfare of the public in the entire Bay Area; and (e) accommodating a project in the Suisun Marsh that is consistent with either: (1) the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan; or (2) the Suisun Marsh Local Protection Program.
4. Explain:
 - (a) what possible impacts the fill would have on the Bay Area, including impacts on: (1) the volume of Bay waters, on Bay surface area, or on the circulation of Bay water; (2) water quality; (3) the fertility of marshes or fish or wildlife resources; and (4) other physical conditions that exist within the area, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance; and
 - (b) how the nature, location, and extent of the fill would minimize possible harmful conditions or effects to the Bay.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.
6. Explain: (a) why the fill would be the minimum amount necessary; and (b) why there is no alternative upland location for the project that would avoid the need for Bay fill.
7. If the fill is to be used for improving shoreline appearance or providing new public access to the Bay, explain why it is physically impossible or economically infeasible to accomplish these goals without filling the Bay.
8. Explain how the fill would result in a stable and permanent shoreline.
9. Explain the steps that would be taken to assure that the project will provide reasonable protection to persons and property against hazards of unstable geologic or soil conditions, of sea level rise, or of flood or storm waters.
10. Provide the names, addresses, and telephone numbers of any licensed geologists, engineers, or architects involved in the project design who can provide technical information and certify the safety of the project.
11. Describe in detail the anticipated impacts of the fill on the tidal and subtidal environment, and describe how these impacts would be addressed or mitigated, and explain how the public benefits of the project would clearly exceed the public detriment from the loss of water area, tidal marsh or tidal flats.
12. For marina projects, indicate how many berths, if any, are to be made available for live-aboard boats and explain how these live-aboard boats would contribute to public trust purposes.
13. For tidal, subtidal and other wetland restoration projects, including mitigation projects: (a) identify specific long-term and short-term biological and physical goals; (b) identify success criteria; (c) provide a monitoring program intended to assess the success and sustainability of the project; (d) include an adaptive management plan with corrective measures, if needed, to achieve success and sustainability; and (e) identify the provisions for long-term maintenance, as required by the Bay Plan policies on Mitigation, Tidal and Subtidal Areas. The Commission's laws and policies may be found at www.bcdc.ca.gov in the digital library.

Box 4

Shoreline Band Information

("Shoreline band" means the land area lying between the Bay shoreline and a line drawn parallel to and 100 feet from the Bay shoreline. The Bay shoreline is the Mean High Water Line, or five feet above Mean Sea Level in marshlands.)

- a. Does the project involve development within the 100-foot shoreline band around San Francisco Bay?

☒ Yes ☐ No

If "Yes," complete this box.

- b. Types of activities to be undertaken or fill, materials or structures to be placed within the shoreline band:

This project is to build a permanent door system within the shoreline band. That system consists of a small (3.22sf) concrete support system anchored to the ground, two tubular steel columns extending upwards from that support system and connecting to the Pavilion's roof structure, a cross member, glass and lattice work, and moveable door panels.

- c. Would the project be located within a priority use area designated in the San Francisco Bay Plan?

☐ Yes ☒ No

The Bay Plan and Maps that depict priority use areas can be viewed in the digital library at www.bcdc.ca.gov.

If "No," go to section (d). If "Yes," please indicate which priority use the area is reserved for: _____

Would the project use be consistent with the priority use for which the site is reserved?

☐ Yes ☐ No ☐ Not Applicable

If "Yes," go to section (d). If "No," attach an explanation of how the project can be approved despite this inconsistency.

- d. Total shoreline band area: _____ Within project site: 22,418 square feet
To be reserved for private, non-public access uses: (See note 4.d below) square feet
To be reserved for public access: (See note 4.d below) square feet

e. **INFORMATION ABOUT WORK PROPOSED IN THE SHORELINE BAND (PROVIDE IN AN ATTACHMENT):**

1. Provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories.
2. Provide one or more photographs of existing conditions within the 100-foot shoreline band.

Note 4.d (above)- The Pavilion area, along with the 23,000 sf of the Franklin Plaza, is dedicated open space with the exception of the 4,400 sf Public Pavilion which can be closed up to 20% of each year for private purposes. These are the conditions of both Existing Permit 1985.019B and 1985.019.20A. This application addresses the main entry door which must maintain a public space emergency fire door.

Box 5

Public Access Information (must be completed by all applicants)

a. PUBLIC ACCESS DETAILS:

1. Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

☒ Yes ☐ No

If "Yes" attach a description of the existing public access and views at these areas.

Please see attached Elevation A.3., Proposed (safety exit door) project has minimal impact to views

If "No," explain what is preventing public access to, or views of, the shoreline.

2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.

Views and public access would not be significantly adversely affected. (See also attachment.)

3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

This project enhances the visual attractiveness and fire safety of the Pavilion, which will likely increase public use.

4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Pavilion attracts up to 20,000 visitors per year and enhances opportunities for additional visits because it provides a unique venue for public as well as private events.

5. Do public safety considerations or significant use conflicts make it infeasible to provide new public access to the shoreline on the project site?

☐ Yes ☒ No

If "Yes," describe the public safety considerations or significant use conflicts that make it infeasible to provide public access at the project site and either: (1) identify an offsite area where public access to the shoreline is proposed as part of the project and describe the proposed public access area and improvements at that location; or (2) explain why no offsite public access is proposed as part of the project.

(Box 5, Public Access, continued)

6. Dimensions of the public access areas: ☐ None Proposed ☒ No significant change in public access

	Existing		Proposed	
Total public access area including areas outside the Commission's jurisdiction:	23,000	square feet	4,400 is closed to public access up to 20% of time, per permit requirements, when Pavilion is in Private use (however faster transition could reduce transition times)	square feet
Public access within Commission's shoreline band jurisdiction:	23,000	square feet		square feet
	75 lf	linear feet	75 lf	linear feet
	27 ft	average width	27 ft	average width
Public access pathways, sidewalks in the shoreline band:	Public access in the shoreline band consists of an existing plaza (Franklin Street Plaza) that connects Franklin Street, Water Street and a public walkway to the 23,000 sf plaza			
	Approx. 214 lineal feet from the southern edge of Water Street and Franklin Street to the shoreline pier railing.	linear feet		linear feet
	Approx. 23 feet when in Private use, 85 feet when in public use	average width		average width
Public access area, landscaping in the shoreline band:	Landscaping consists of planter boxes adjacent to existing structures and large concrete planters placed inside the plaza area and are typical of retail oriented mixed-use urban projects			
		square feet		square feet
Public access on fill within Commission's Bay, certain waterway, and managed wetlands jurisdiction:		square feet		square feet
		linear feet		linear feet
		average width		average width
Public access on piers or decks over water/wetlands:	The project does not alter existing shoreline, there is no new fill or pier construction			
		square feet		square feet
		linear feet		linear feet
		average width		average width
View Corridor(s):	approximately 15,935 sq. ft.	square feet		square feet
	approximately 214 linear ft.	linear feet		linear feet
	approximately 85 feet.	average width		average width
Public Access Parking:		stalls		stalls

There are approximately 1,300 public paid parking stalls in the area west of Franklin Street.

There is no new parking for this project.

b. ADDITIONAL PUBLIC ACCESS INFORMATION (PROVIDE IN AN ATTACHMENT): See Attached information

1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements.
2. Describe how the public access area and facilities would be accessible to disabled persons.
3. Describe the proposed connections to existing public streets or offsite public pathways.
4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.
5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

Box 6

Dredging and Mining Information

- a. Complete this box if the project involves mining, dredging or the disposal of dredged material in any of the following areas.

☐ San Francisco Bay ☐ Salt pond ☐ Managed wetland ☐ "Certain waterway"
☐ Primary management area of the Suisun Marsh ☐ Other: _____

- b. Are you submitting a separate application to the Dredged Material Management Office (DMMO)?

☐ Yes ☐ No

If "Yes," attach a copy of that application; it is not necessary to complete this Box. If "No," complete this box.

- c. Type of activity: ☐ Maintenance Dredging ☐ New Dredging ☐ Mining

- d. Method of dredging or mining: _____

- e. Total volume and area of material to be dredged or mined from:

Open waters: _____ cubic yards _____ square feet

Tidal marshes: _____ cubic yards _____ square feet

Tidal flats: _____ cubic yards _____ square feet

Salt ponds: _____ cubic yards _____ square feet

Managed wetlands in the primary management area of the Suisun Marsh:
_____ cubic yards _____ square feet

Other managed wetlands: _____ cubic yards _____ square feet

Subtidal areas that are scarce or have an abundance and diversity of fish,
other aquatic organisms and wildlife, such as eelgrass beds and sandy deep water:

_____ cubic yards _____ square feet

Other (specify): _____ cubic yards _____ square feet

- f. Are knockdowns proposed as part of the dredging project?

☐ Yes ☐ No

Number of knockdowns: _____

Volume per knockdown event: _____ cubic yards

(Box 6, Dredging and Mining Information, continued)

g. Location(s) where dredged or mined material will be deposited: _____

h. Total volume of dredged material to be disposed: cubic yards

Beneficially re-used: cubic yards

i. Estimated future maintenance dredging required annually: _____ cubic yards

j. For dredging projects:

Proposed design depths (MLLW): (1) _____ (2) _____ (3) _____

Proposed over-depth dredging (+ feet): (1) _____ (2) _____ (3) _____

Number of dredging episodes: _____

k. Does this project have an annual average dredging average of 50,000 cubic yards or less?

☐ Yes ☐ No

l. ADDITIONAL INFORMATION (PROVIDE IN AN ATTACHMENT):

1. If the dredged material is to be disposed of in the Bay, explain why the material cannot feasibly be beneficially re-used or disposed of in the ocean, upland, or inland outside of the Commission's jurisdiction.
2. Provide the results of testing for biological, chemical or physical properties of the material to be dredged.
3. Provide a copy of a water quality certification or waste discharge requirements for the dredging or disposal of dredged material from the San Francisco Bay Regional Water Quality Control Board.
4. Identify local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic vegetation; and (e) the Bay's bathymetry.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.

Box 7

Information on Government Approvals (must be completed by all applicants)

	Required YES NO	Type of Approval	Date Approval Expected/Received	Agency Contact and Phone Number
Local Government Discretionary Approval(s):	<input checked="" type="checkbox"/> <input type="checkbox"/> Yes No	**Building and Planning		City of Oakland 510-238-3911
State Lands Commission:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Regional Water Quality Control Board:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
		Regional Board Number:		
California Dept. of Toxic Substances Control:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
California Department of Fish and Game Streambed Alteration Permit:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No	**Building Permit from the City of Oakland (as the lead planning agency for the Jack London Square area) will provide additional planning input and will determine final CEQA requirements and building permit requirements.		
DF&G Take Authorization:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Other DF&G Permit:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
U.S. Army Corps Of Engineers:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
		Public Notice Number:		
U.S. Fish and Wildlife Service: Take Authorization	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Biological Opinion:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
NOAA Fisheries Service: Take Authorization	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Biological Opinion	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
U.S. Coast Guard:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Federal Funding:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Other Approval (Specify):				

Box 8

Environmental Impact Documentation (must be completed by all applicants)

- a. Is the project statutorily or categorically exempt from the need to prepare any environmental documentation? ☒ Yes ☐ No **City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements. (Attachment Box 8. A)**

If "Yes," please attach a statement that identifies ar

- b. Has a government agency other than BCDC, serving as the lead agency, adopted a negative declaration or certified an environmental impact report or environmental impact statement on the project? ☐ Yes ☒ No

If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow the Commission to make the necessary findings regarding all applicable policies. The certified document must be submitted prior to action on the permit. **City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements. (attachment Box 8 A)**

Box 9

Public Notice Information (must be completed by all applicants)

- a. Owners and residents of all properties located within **100 feet** of the project site (if more than four, provide the information electronically): **Notice: No residential housing exists in this commercial project area- Building Owners within the Project area are ground lessees, leasing from the Port of Oakland, there are several commercial sub-tenants**

North:

Name: Murasaki Jack London Square
Address: 419 Water St, Oakland, CA 94607
City, State, Zip: (510) 891-9929
murasakijacklondon.com
Telephone: (415) 333-3333

East:

Name: California Canoe & Kayak
Address: Jack London Square, 409 Water St, Oakland, CA 94607
City, State, Zip: (510) 893-7833
Telephone: (415) 333-3333

South:

Name: Kincaid's (Restaurant)
Address: 1 Franklin St, Oakland, California 94607
City, State, Zip: (510) 835-8600
kincaids.com
Telephone: _____

West:

Name: Forge Restaurant
Address: 66 Franklin St, Oakland
City, State, Zip: Oakland, CA 94607
Telephone: 510-268-3200
(415) 333-3333

- b. Other persons known to be interested in this project: ☐ None
(if more than two, provide the information electronically).

Name: Jack London Square Management Offices
Address: 70 Washington Street, Suite 207 Oakland, CA 94607
City, State, Zip: 510.645.9292
Telephone: 510.645.9363 / Fax
info@jacklondonsquare.com

Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____
(415) 333-3333

See additional interested contacts on attached pages.

Box 9. Public Notice Information (supplemental)

In addition to those interested parties listed on the form the following are also relevant to other persons (organizations) interested in the project.

Waterfront Coalition

Sandra Threlfall, Executive Director

Waterfront Action

P.O. Box 11456

Oakland, CA 94611

Katherine Gavzy

President

League of Women Voters of Oakland

1305 Franklin Street, Suite 311

Oakland, CA 94612-3222

Jack London District

Association

655 3rd Street, PMB 21

Oakland, CA 94607

(510) 473-JLDA

(510) 473-5532

Email: info@jlida.org

Attachment A

Note: Attachment – to Application for Pubic Pavilion – **Permanent Emergency Exit Door** – Addendum to Application B rev.9-6-13

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.

The applicant is requesting after-the-fact approval for a replacement wall system for the Public Pavilion. The wall system originally installed on the Pavilion was a plastic/vinyl tent wall system that requires replacement at considerable cost every five years due to wear and tear. That wall system was drafty, energy inefficient, did not provide efficient emergency exit systems, and was visually unattractive. Most significantly, it required four staff members up to four hours to remove and store and an additional four hours to unpack and install the system each time there was a private event.

The replacement wall system is an innovative design-build system using a manufactured product by Kelwall.

Kelwall's documentation includes the following statement about its product:

"Kelwall is the most highly insulating, diffuse light-transmitting, structural composite technology in the world. Kelwall has perfected a unique composite fenestration sandwich panel that combines controlled, usable, natural daylight with the ultimate in energy efficiency. Lightweight, shatterproof, and rapidly installed, Kelwall has unrivaled structural integrity." The information on their systems are available at the following website: <http://www.kalwall.com/>

The system at the Public Pavilion consists of approximately 43 individually-designed moveable panels. Each panel is approximately 5 feet wide by 15' high with variations designed for precise fit. Each panel is suspended on specially-designed trolley hangers that roll in a special tubular-track system that surrounds the underside of the exterior structural tubular steel fascia of the Pavilion. The tubular tracks are not visible from outside the Pavilion since they are mounted immediately behind the tubular fascia.

Each wall panel is rolled into place to enclose the Pavilion to provide an insulated and secure system during private events. The panels are rolled back into a stackable wall location when the Pubic Pavilion is in public use. The effort it takes to install the movable walls in private use takes no more than 30 to 45 minutes and when the process is reversed, the same time is necessary. This process saves up to a total of seven hours from the old system. This savings provides a total of approximately seven additional hours of public access to the Pavilion before and after each private event.

When in public use, the panels are stored outside the existing view corridors. These stored locations are adjacent to existing structures that already obscure the view corridor as they are permanent retail buildings or the Scott's restaurant itself. A complete set of plans and illustrations provides a visual concept of the system that has been installed.

2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.

The Pavilion occupies approximately 4,400 square feet of the approximately 23,000 square foot Franklin Street Plaza area. The Plaza is located at the foot of Franklin Street in Jack London Square, and is bordered by the center basin of the Jack London Square marina on the east and the Oakland Estuary on the south, as well as the vacated Water Street on the north. The Franklin Street plaza was converted from the Franklin Street self parking lot in 1985 to the plaza it is today. It is built on landfill that is supported by an historic quay wall. A portion of the plaza is over an historic pier on the south side. The pier has been in place since before 1950. There is no fishing or direct water access available in this area.

In the process of developing Jack London Square, the Port vacated the streets leading into Jack London Square (on the south side of Embarcadero –aka First Street). The Port then installed acres of interlocking concrete

pavers throughout the phase I area of Jack London Square, including the Plaza, consisting of red, white and gray units and creating patterns on the pavement. The Plaza hosts street furnishing including benches, lighting, and many large concrete planters with seasonal vegetation typical in an urban mixed-use retail center. The curbs, gutters, sidewalks, benches, lighting, planters and pavers help blur the distinction between the streets and pedestrian ways, slow traffic, and invite pedestrian access to all areas.

Two restaurants—Scott's and Kincaid's—were constructed in the 1950s on piers over the Oakland Estuary bordering the Plaza on the south and west. The Plaza thus also provides needed service access to those restaurants as well as a public open space with views of the water on both the east and south. The Plaza also allows pedestrian access to Kincaid's front door and the Pavilion and other banquet facilities within Scott's restaurant. The Plaza houses the UN flag and a plaque dedicated to the charter/conference of the UN which took place in San Francisco in 1945. The plaza provides view access along the railing on the east to view the marina and beyond, and it also leads individuals to a public access walkway along the water that wraps along the water side of Scott's restaurant leading west to the Broadway pier and a viewing platform.

3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.

This project will not disturb Bay waters or Bay mud in the area as all work is being carried out on an existing pier and landfill.

The existing condition of the Oakland Estuary adjacent to the Pavilion is subject to typical tidal currents. The average depth immediately off the pier is no more than 15 feet as it is out of the dredged channel. The water column's turbidity appears to be improving as in other parts of the Bay. This part of the Oakland Estuary is subject to significant recreational vessel movement – not nearly as much commercial vessel traffic as once occurred.

4. Endangered or Threatened Species.

No species that are known to be threatened or endangered are known to exist in the project area, or are likely to be adversely affected by this project.

5. Identify any subtidal areas that are scarce or that have abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).

There is no known scarcity of subtidal areas or particular abundance or diversity of marine life at the site.

6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.

There is no opportunity for the project to create additional storm water runoff or release of pollutants. All painting of the new components is to be completed prior to assembly - off site in a specially designed facility. No other changes to the site would enhance or inhibit current controls or create additional water pollution. There are no new areas proposed to be covered by hard surfaces, and no practical method to change or modify rainwater collection or discharge systems. All pavement washing is done with a water collection vacuum system to eliminate polluted runoff.

7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or

vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.

No subsurface disturbance has been created by the construction of the new moveable wall system or improvements discussed in this permit application. There is known subsurface contamination generally located in various areas in Jack London Square as a result of its industrial history. The subsurface soil contamination was mitigated under the supervision of state regulatory authority to the extent required by law when the Phase I portion of the Jack London Square project was developed (including the construction of the Pavilion) which occurred during the period from 1985- 1990. No further environmental exposure to wildlife or humans exists as a result of this project.

8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.

There are no waste discharge requirements as a result of this project or its on-going operations and therefore no approvals under the authority of DTSC or the RWQCB are required.

9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.

Section 66602 of the McAteer-Petris Act requires that projects provide "maximum feasible public access." BCDC issued Scott's Restaurant a permit (Permit No. 19-85(B)) allowing the Pavilion to be closed for private events up to 20 percent of the time each year, finding that this was consistent with BCDC's laws and policies. The permit found that, before the Pavilion was built, the 23,000 sf plaza received "relatively little public use, in part because its primary function is as a service vehicle access to the two restaurants and retail shops". The permit found that the Pavilion "could generate activities in the plaza which do not occur there now because of the existing building and use configuration. The private banquets events may bring people to Jack London Square who would not otherwise visit the shoreline and it may serve as a catalyst for future visits to the Square and will likely generate additional sales for other business."

The most recent recession and economic slowdown have posed the most significant challenge that Jack London Square has ever faced. With 80 % of the retail currently vacant in Jack London Square, the challenges for this development's success have never been greater. The Pavilion project, however, has been a success. It has provided an opportunity to add an additional anchor to the Jack London Square project by successfully attracting patrons and new guests and exposing them – some for the first time – to the Oakland Waterfront. Since its initial operations began in 1996, the Public Pavilion has generated up to as many as 23,000 new visitors to Jack London Square, for banquets, weddings, and other special events.

The new movable wall system installed on the Pavilion serves BCDC policies by further ensuring that the Pavilion will continue to attract the public to the waterfront. The proposed modification to the existing structure contemplates the replacement of one enclosure system used when the Public Pavilion is in private use with a new, more modern, and easier-to-manage enclosure system. The enclosure system that is being replaced required up to four hours to install for each event and four hours to remove and store after each event. The new system enables the Public Pavilion to be converted from public use to private use in no more than 30 to 45 minutes and back to public use with the same effort in reverse. Using this system permits the Public Pavilion to be open to public use up to a total of approximately seven hours longer before and after each private event. That additional public access should attract new patrons to the area and will help the area become a more attractive and useful

civic venue, consistent with BCDC policies.

10. PROJECT PLANS: Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

To be attached.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. **At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay).**

These boundaries and sight lines remain the same with this project application.

Attachment B

Box 5 – Public Access Information Attachment. App B.

Box 5.a.1.

Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

Answer to above question continues:

The views on the project site exist as follows: The 23,000 sq. ft. Franklin Street Plaza is located at the foot of Franklin Street in Jack London Square which has a turnaround at Water Street. Water Street (which is a pedestrian street providing access to emergency and service vehicles) bisects Franklin Street at the turnaround. Water Street continues perpendicular to Franklin Street and connects with Broadway and Washington Streets on the west and Webster Streets on the east. The views from Water Street (standing at the foot of Franklin Street) include the center basin of the Jack London Square Marina to the east, Kincaid's waterfront restaurant to the immediate south and views of the Oakland Estuary to the west and east of Kincaid's. The view of the Oakland Estuary from the same vantage point towards the west provides an unobstructed 34 foot wide view corridor to the Estuary approximately 80 percent of the time when the Pavilion is open for public use. The authorized pavilion design provides 18 foot wide view corridor though the plaza to the shoreline during private events.

In general, the views of the Oakland Estuary from the foot of Franklin Street are framed or obstructed by Kincaid's on the east, and by Scott's restaurant on the west. When the Pavilion is in public use, a filtered view of the Estuary exists looking past the Pavilion's lattice like support structure. When walking towards the estuary (entering the Franklin Street Plaza) the water's edge is viewed from the Franklin Plaza pier and a walkway, which permits pedestrians to continue along the estuary west towards Broadway. The walkway/ pier constructed on the water side of Scott's leads to a pair of binoculars on the Broadway Pier installed by Scott's.

Vehicle access from downtown Oakland and Highway 880 is available from surface streets, which are listed above. There are two major parking structures that were constructed between Webster Streets and Clay Streets to support the mixed-use retail development including all the public access along the shoreline in Jack London Square.

Box 5.a.2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact

This project's primary purpose is to replace the wall materials of the Pavilion. The old "tent wall" system has been used since the Pavilion began operation in 1986 and is not an efficient or attractive system for converting the Pavilion between private and public use modes. When the new moveable wall system is in private use mode, the wall panels are anchored to the ground with pegs and the new permanent door system is closed. In the event of an emergency during a private event, the door system can be opened.

The new wall system is designed to enhance public access to the area by providing a more attractive and better working system than the tent walls. One of the primary goals of the moveable walls is that it permits faster turnaround from private events and thus allow more public use of the Public Pavilion. The Pavilion is permitted to be closed to the public for private use up to 20% of the time under current BCDC permit number : - PERMIT NO. 19-85(B) (Issued on March 13, 1986, As Amended through October 7, 1997) AMENDMENT

NO. NINE (Scotts) (Exclusive of Amendment Nos. One through Seven, portions of Amendment Nos. Eight and Nine, and Amendment No. Ten -- aka 1985.019B

In order to illustrate the public views with the Pavilion in its current condition (as of July 2013), an exhibit has been prepared showing how this project (excluding the planters) will affect various public views from locations along Water Street:

The pictures were taken along with the accompanying view corridor graphics are described from the western-most point (close to the Canoe and Kayak retail shop) to the easterly direction adjacent to the Center Basin of the Jack London Square Marina, as follows:

View A shows the Pavilion roof line, but the view of the Estuary is generally obscured by the stacked Kayaks and Kincaid's.

View B is 15 feet to the east of A and provides a view of the Pavilion that is less blocked by stored vessels. The view of the water is filtered by Street furniture, Kincaid's, signs on a bent pole and the Pavilion Structure, railings, planters and the like. From this vantage point, the water of the Estuary cannot be viewed directly as the Estuary is too narrow, so the shoreline is shown beyond (which is in Alameda). Any boats on the estuary would be visible, including the vessel docked in the Marina.

View C is 15 feet to the east of B. This view shows more of the retail building occupied by the Canoe and Kayak operation, the stacked Canoes and Kayaks on racks, the Pavilion's permanent portion of the new wall system on the north, the west edge of Scott's Restaurant. The tables and chairs that are required set up in the Pavilion (during public use), the general Jack London Square street furniture, the railings, the westerly wall of Kincaid's, boats docked. It also shows the back panels of the moveable wall system stacked on the south and west side of the Pavilion (which are approximately in line with the angled south wall of Scott's Restaurant near the public access walkway over the water).

View D is 15 feet to the east of C. This shows all of what C's views are with additional street furniture and street trees in the foreground and the UN Flag pole and marker. From these vantage points, the water in the Estuary is difficult to see but the boats are as well as other marine elements give the visual clue.

View E is 15 feet to the east of D. This view illustrates that the new Pavilion moveable wall system does not (when in open to the public position) block the views of the Estuary; those views are already blocked by the existing Scott's Restaurant.

View F. This view is as far east on the Franklin Street/Water Street intersection as could be provided. This view shows a fuller view of the Pavilion which is filtered and framed by the interior structural supports. Note that temporary traffic barriers are evident.

Box 5.a.3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

The use of the Pavilion for both public and private use should be enhanced with these improvements. In 2012 approximately 20,000 people used the site for private events. In general, during the year, the Pavilion requires approximately 35 full and part-time employees to manage the facility. This includes marketing staff, service staff to manage private functions as well as maintenance staff. The Pavilion is

also used by the general public during the time the Pavilion is not in private use, as tables and chairs are set-up in the Pavilion and it is open to pedestrians to stroll through the area. There are no accurate counts of the number of public using the pavilion when the Pavilion is not in private use as no count is maintained, but with the new tables and chairs and new signs more public use should be expected. Additional signs will be installed to inform the public that the Pavilion is Public when the Pavilion is not in private use.

The Pavilion is one element of Jack London Square which is a retail/entertainment/restaurant/office mixed-use development on the Oakland Waterfront. The Jack London Square project was designed, and parking developed, to meet the parking demand requirements of this mixed use development. Within less than one block there is a 300 stall underground parking garage developed to service the land-uses in the vicinity of the Pavilion, including other retail and restaurants. A valet program also exists at the foot of Broadway and the foot of Franklin Streets. The new wall project would have little to no impact on these general facilities.

Box 5.a.4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Public Pavilion is an accessory and unique facility to the existing development in Jack London Square meeting a multi-use public assembly/event facility requirement. Through the years, working with BCDC - the Port and subsequent private developers created significant new shoreline public access. Since 1995, new public access walkways, piers, and green open spaces as well as plazas have been developed in Jack London Square. The Public Pavilion is located in what was once a surface parking lot that has been transformed into the 23,000 square foot Franklin Plaza, the Pavilion occupies 4,400 square feet of that plaza. Jack London Square at one time in the mid to late 1990's attracted 3 million visitors. That visitor count has suffered in recent years due to vacant retail and poor economy. The Pavilion's use, however has begun to grow after several years in decline. These proposed improvements should keep the Pavilion used at its maximum 20% private use. The Pavilion's continued success will have little additional impact on the areas existing parking or street/vehicle/bicycle/pedestrian access. The cost of maintaining these public plazas and public access areas is offset to a small degree by all the tenants in Jack London Square and the Port, the Pavilion's use adds to the funds used to maintain the high level of maintenance required of the public facilities.

Because of the nature of the Pavilion's use, one time private events are scheduled at the Pavilion, including such activity as weddings, meetings and the like. These one-time events attract a new set of customers, some who have not been to Jack London Square or Oakland for many years if ever. The first-time exposure to this area may help attract future visits to the area. The Pavilion serves as an attractor of first time visitors who hopefully will have a positive experience when visiting this waterfront development. The Pavilion needs to project a more modern and attractive venue to continue its designated purpose.

Attachment C

These are expanded answers to questions Box 5.b -- Application B.
Attachment 5.b

5.b.1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements:

The existing public access improvements within this portion of Jack London Square have been in place in part for nearly 30 years as part of a \$300 million Phase I development program approved for Jack London Square under BCDC permit number 1985-019 A, and are described as follows:

Jack London Square is a mixed-use waterfront entertainment oriented retail/office/hotel center located in a 12 block area generally at the foot of Broadway in Oakland. The project consists of several stand-alone waterfront restaurants that have existed since the early 1950's and included in improvements developed in the 1980's by the Port of Oakland and others as part of the Jack London Square Phase I development. The project consists of several other stand-alone retail buildings and office building with retail space located on the ground floors.

The Phase I development program, outlined in BCDC permit 1985-019 A, included new public access walkways along the water's edge that provide pedestrian access from the foot of Broadway (at a Broadway observation pier) via a pier-constructed walkway that passes between the water and the waterfront side of Scott's restaurant, which then connects to the Franklin Street Plaza (the location of the Public Pavilion). The Franklin Street Plaza is partially constructed on an historic Pier and serves as the entry area to the Kincaid's restaurant and well as provides service access to Kincaid's, Scott's and the Water Street I retail building. The plaza also provides for public access, benches, planters, lighting and landscape concrete pavers as well as railings at the water's edge. The Center basin of the Jack London Square Marina (completed in 2000) borders the plaza on the east and provides views and access to the public portion of the Marina including those docks providing for access to the water by California Canoe and Kayak. Within the Broadway/Franklin area of Jack London Square north of the Water Street walkway is the Broadway Underground Garage which has a capacity of 300 vehicles to service the retail and restaurants located near this area. Valet Parking is provided to both the foot of Broadway and the foot of Franklin Street under the BCDC/Port Vehicle Access Plan (VAP) which regulates traffic and parking in Jack London Square. These proposed improvements within the public access area are described in this application, which addresses the storage needs for the Public Pavilion, the need to create a breezeway for when the Public Pavilion is in private use, and planters that will serve as a decorative feature and as protection for the Public Pavilion wall system. These improvements are part of a larger project to enhance the Public Pavilion so that it is a more functional and attractive facility.

These combined improvements are designed to enhance the public enjoyment of the Plaza by providing more public use of the plaza because of the ease of transitioning the Pavilion from public to private use and then back to public use.

The improvements to the Pavilion that are contemplated in this application have little to no effect on the existing public access for the entire Jack London Square area.

2. Describe how the public access area and facilities would be accessible to disabled persons.

Jack London Square was designed under the most current ADA laws at the time, and when upgrades or improvements are made ADA access is updated to provide access under the most current regulations, including ADA access to the Jack London Square Marina. All restaurants and Parking comply with current ADA regulations. All of the public access areas are open to disabled persons and at street level.

3. Describe the proposed connections to existing public streets or offsite public pathways.

All connections to existing public streets and the City of Oakland Street Grid remain unchanged as a part of this project and are covered under conditions and restrictions provided in the VAP.

4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.

The applicant has supplied a document to be reviewed and approved by BCDC which will permanently guarantee the public access for the Public Pavilion. The area is maintained under the Port Agreement with Scott's restaurant under a lease, for which a copy has been provided to BCDC. There are also agreements in place among the Port and the current Jack London Square Developer as well as the Management company to create a Common Area Maintenance (CAM) plan, which has been in existence since 1995. Tenants are assessed a CAM fee which is used to maintain the common areas and landscaping/lighting.

5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

The upland project area is completely urbanized and not a habitat area for species or wildlife. Public access to the site is not likely to have the potential to adversely affect wildlife.

Environmental Impact Documentation

(must be completed by all applicants)- attachment

(Application B)

Box 8. A

Categorical Exemptions under the California Environmental Quality Act.

Please note that the City of Oakland has land-use jurisdiction for development in Jack London Square and that the City will certify or require any additional CEQA documentation. However, our proposed determination recommendation is as follows:

This project would be considered exempt from CEQA under several categorical exemptions.

Class 1 (“existing facilities”): Section 15301 of the CEQA Guidelines exempts the “minor alteration of existing public or private structures”. This exemption includes “exterior alterations involving such things as interior partitions”. (Section 15301(a).) This project qualifies for this exemption because it is a minor change from one door system (vinyl door system) to another door system (permanent door system). This exemption also includes “[a]dditions to existing structures” that do not result in an increase of more than 50 percent of the floor area or 10,000 square feet (with exceptions not relevant here). (Section 15301(e).) This project also qualifies for this exemption because it increases the area of the approximately 4,000 sf Pavilion by only 3.22 sf, which is much less than the limit of 50 percent of 10,000 square feet.

Class 2 (“replacement or reconstruction”): Section 15302 of the CEQA Guidelines exempts “replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced”. This exemption applies here because this project replaces one door system, which allows ingress and egress, with another door system with the same purpose and limits.

Class 3 (“new construction or conversion of small structures”): Section 15303 of the CEQA Guidelines exempts “small facilities and structures”, including “[a]ccessory (appurtenant) structures”. (Section 15303(e).) This exemption applies here because this project is for a relatively small, door system that is appurtenant to the Pavilion.

Class 11 (“accessory structures”): Section 15311 exempts “minor structures accessory to (appurtenant to) existing commercial ... facilities”, including “temporary use items ... in generally the same locations from time to time in ... facilities designed for public use”. (Section 15311(c).) This exemption applies here because this project is for a minor door system that will be closed from time to time in generally the same location as the existing door system in the public Pavilion.

PUBLIC PAVILION

Jack London Square
Oakland, California

SCOPE OF WORK:

Proposed Permanent
Entry/Exit door



INDEX:

- A.0.1 VICINITY MAP
- A.0.2 RENDERINGS
- A.0.3 PUBLIC ACCESS AND OPEN SPACE PLAN
- A.1 PLAN VIEW PAVILION PRIVATE AND PUBLIC USE OVERALL ELEVATION
- A.2 DOOR ELEVATION & DETAIL
- A.3 VIEW CORRIDOR PLAN

Presented by:

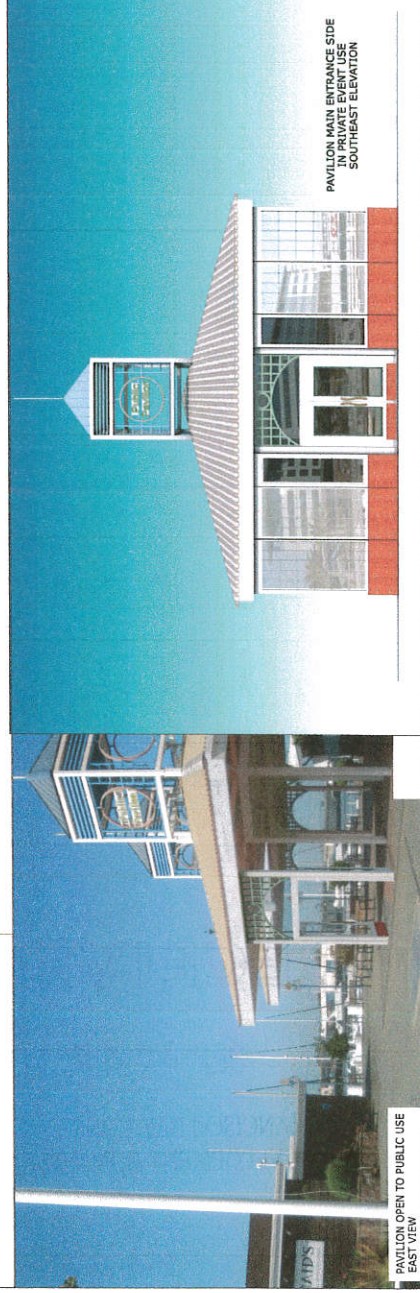
Steven Hanson, Consultant,
Scott's Seafood Restaurants
Steve Fagalde, President,
Scott's Seafood Restaurants

Drawn by:

Juan Rubio
RUBIO BOWDEN DESIGN



VICINITY MAP



PAVILION OPEN TO PUBLIC USE
EAST VIEW

PAVILION MAIN ENTRANCE SIDE
IN PRIVATE EVENT USE
SOUTHEAST ELEVATION

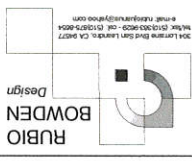
JOB #	00132
DATE	07/25/2013
REVISIONS	
DATE	
BY	

VICINITY
MAP

RENDERINGS

SCALE: 1/4" = 1'-0"

A.0.1



PAVILION JACK LONDON SQUARE

DATE	00.12
REVISIONS	
DATE	
BY	

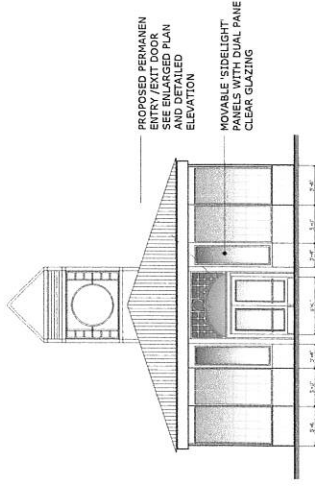
MAIN ENTRY
DOOR FLOOR
PLAN

WITH PANELS IN
PRIVATE AND
PUBLIC USE
POSITION
OVERALL
ELEVATION

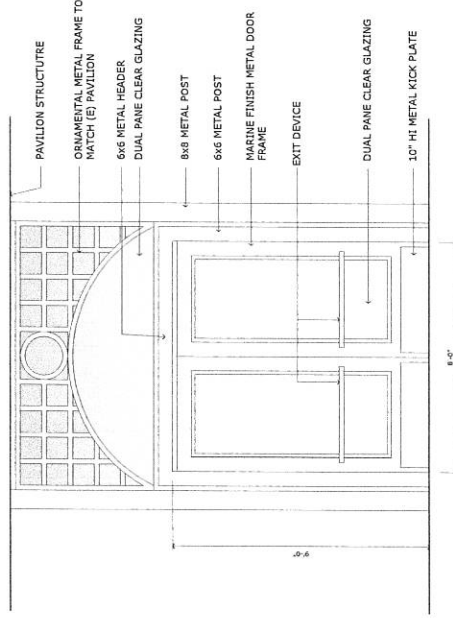
SCALE: 1/4" = 1'-0"

A.1

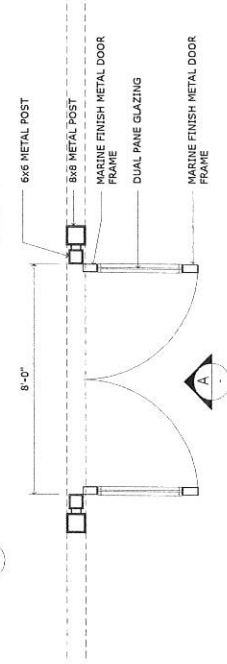
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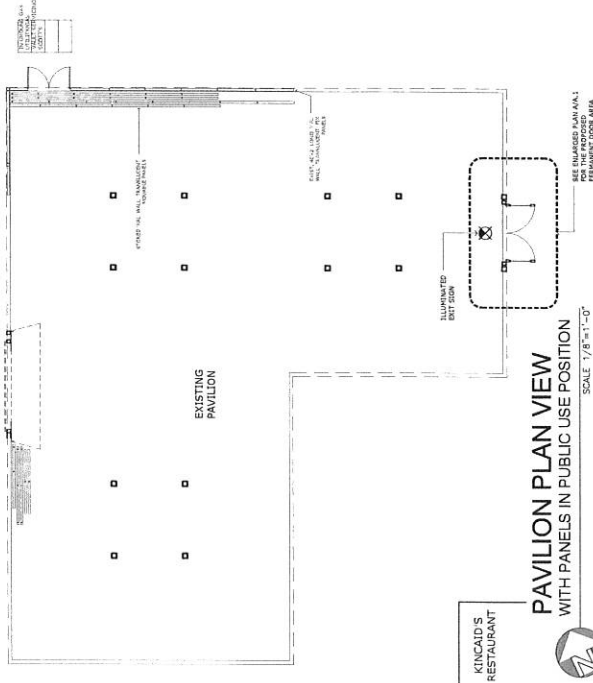
1 PAVILION MAIN ENTRANCE SIDE
IN PRIVATE EVENT USE - SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



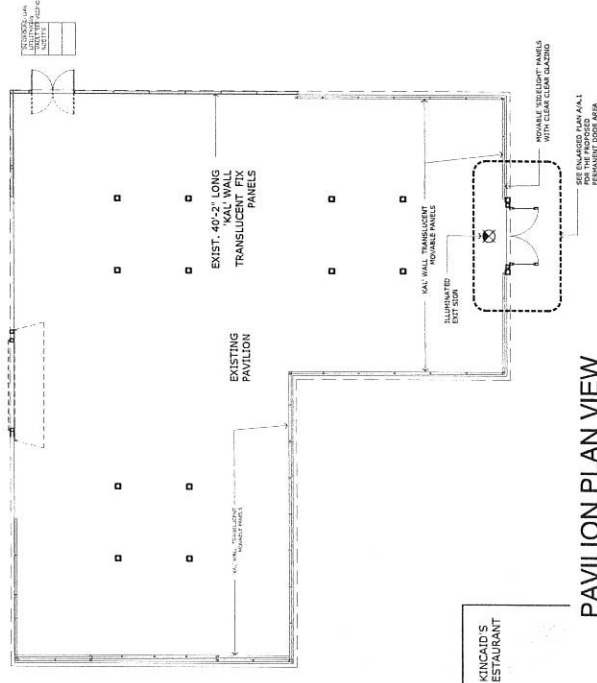
A DOOR ELEVATION
SCALE: 1/2" = 1'-0"



ENLARGED ENTRY DOOR PLAN
SCALE: 1/2" = 1'-0"



PAVILION PLAN VIEW
WITH PANELS IN PUBLIC USE POSITION
SCALE: 1/8" = 1'-0"



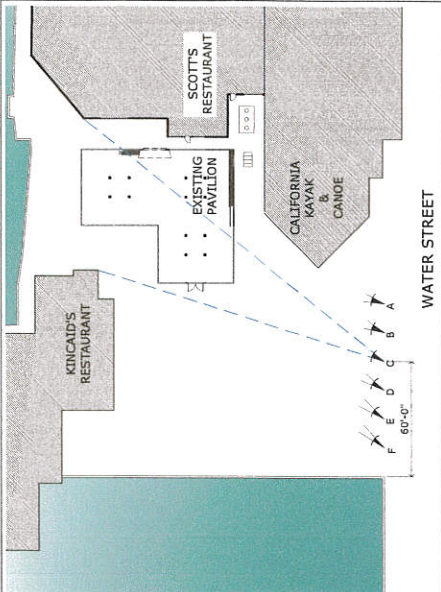
PAVILION PLAN VIEW
WITH PANELS IN PRIVATE USE POSITION
SCALE: 1/8" = 1'-0"

PAVILION

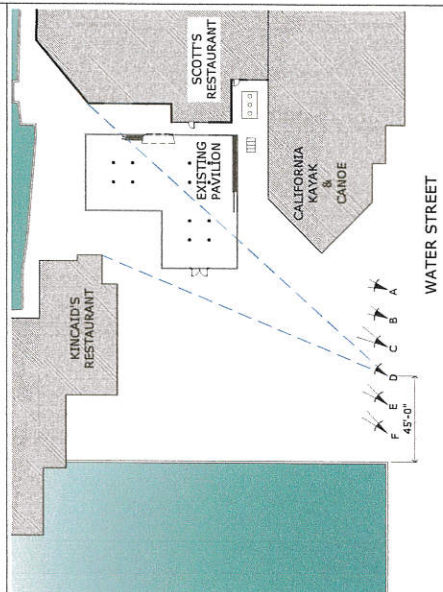
JACK LONDON SQUARE

200 N. 10012	DATE: 07/24/2013
REVISIONS	BY:
DATE	

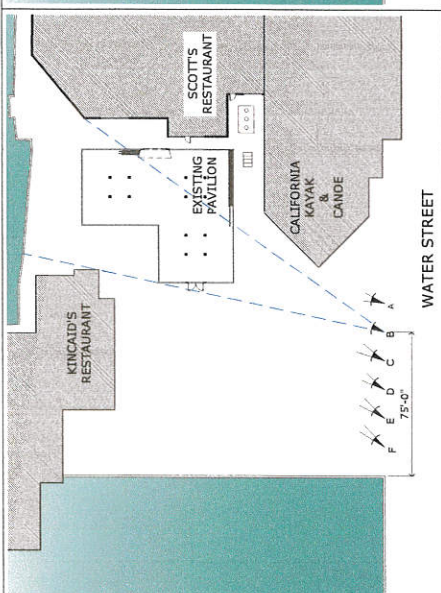
VIEW CORRIDOR PLAN



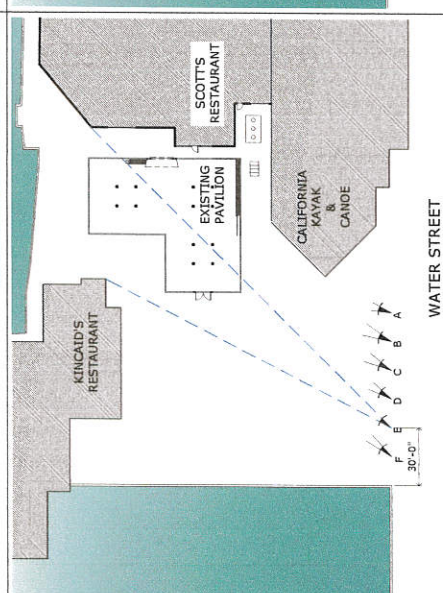
VIEW CORRIDOR 'C'



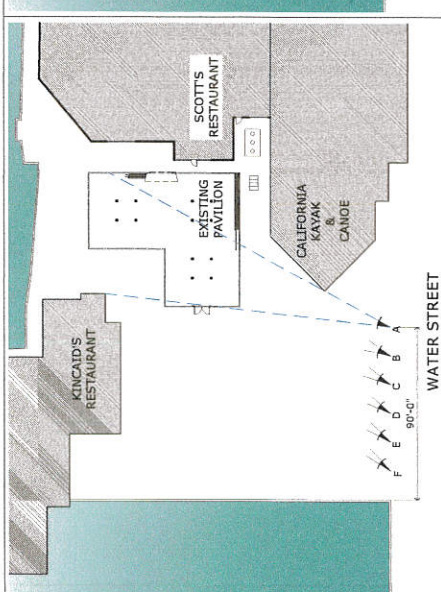
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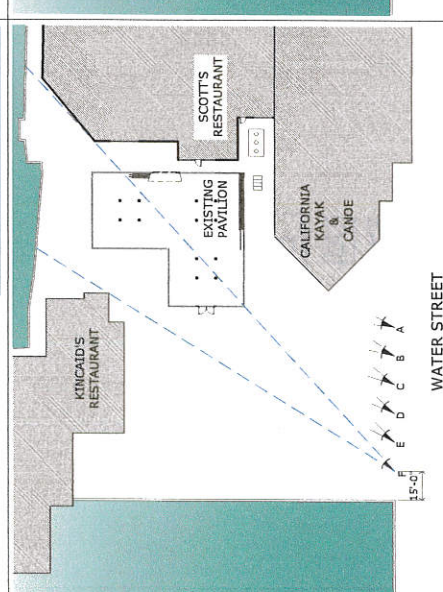
VIEW CORRIDOR 'B'



VIEW CORRIDOR 'E'

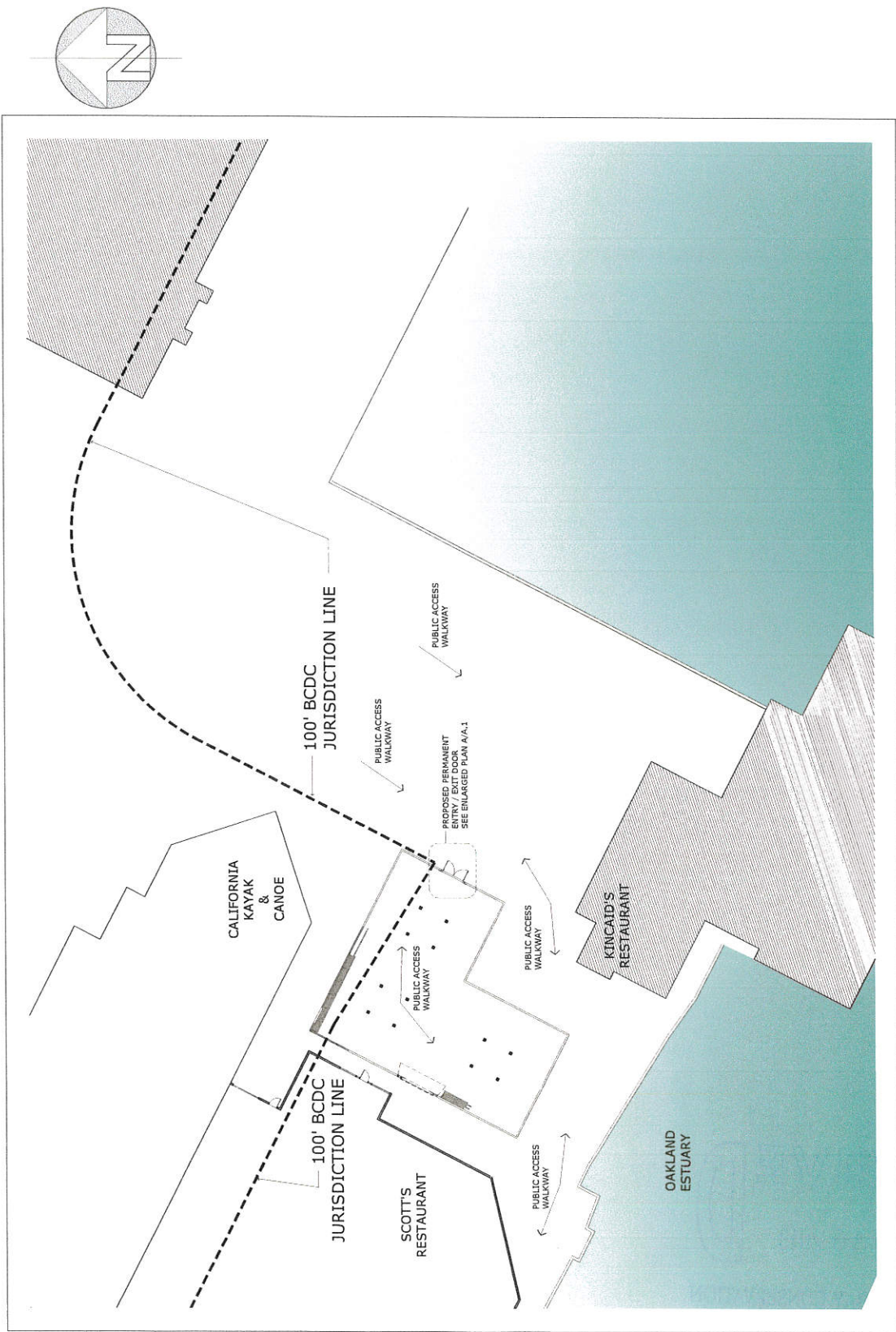


VIEW CORRIDOR 'A'



VIEW CORRIDOR 'F'





PUBLIC ACCESS AND OPEN SPACE PLAN
scale: 1/16" = 1'-0"

Reset

Print

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

RECEIVED
SEP 30 2013

BCDC Application Form

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Amendment to BCDC Permit
19-85(B) Amendment 11

For BCDC Use Only
Application number 1985.019.11B
Fee: _____

Application Note: permanent Doors Public Pavilion
(Application B)

Checklist of Application Requirements (For Applicant's Use)

	Major Permit	Administrative Permit	Regionwide Permit
<input checked="" type="checkbox"/> Application Form	One fully completed and signed original and seven copies	One fully completed and signed original	One fully completed and signed original
<input checked="" type="checkbox"/> Large Scale Project Site Plan	One copy	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Project Site Plan	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Public Access and Open Space Plan	Seven copies	One copy	None
<input checked="" type="checkbox"/> 8.5"x11" Vicinity Map	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> Proof of Legal Property Interest	One copy	One copy	One copy
<input checked="" type="checkbox"/> Local Government Discretionary Approval	One copy	One copy	None
<input checked="" type="checkbox"/> Environmental Documentation	One copy of environmental determination and EIR or EIS Summary	One copy of environmental determination	None
<input type="checkbox"/> N/A Water Quality Certification/Waiver	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Dept. of Toxic Substances Control Approval	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Biological Opinion/Take Authorization from state and federal agencies	One copy, if applicable	One copy, if applicable	Not applicable
<input checked="" type="checkbox"/> Application Processing Fee	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M
<input checked="" type="checkbox"/> Notice of Application*	Posted at project site	Posted at project site	Posted at project site
<input checked="" type="checkbox"/> Certification of Posting the Notice of Application*	One signed original returned to BCDC	One signed original returned to BCDC	One signed original returned to BCDC

*BCDC staff will provide the forms for posting the Notice of application and the Certification.

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resources Code.
Reference: Sections 65940-65942, 66605, 66632(b) and (f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.

Box 1

Property Ownership and Applicant Information (must be completed by all applicants)

a. APPLICANT:

☐ Owns
project
site

☒ Leases
project
site

☐ Homeowner
Association
owns/will own

☐ Other Property Rights: _____

Name/Title: Scott's Jack London Seafood, Inc

Address: 255 3rd Street, Suite 102

City, State, Zip: Oakland, CA 94607

Telephone: (510) 302-0999 Fax: (510) 302-0995

Email: stevelf@scottscorp.com

APPLICANT'S REPRESENTATIVE: ☐ None

Name/Title: John Briscoe, Attorney (S.Hanson consultant)

Address: 155 Sansome Street

City, State, Zip: San Francisco, CA 94104

Telephone: (415) 402-2701 Fax: (415) 398-5630

Email: jbriscoe@briscoelaw.net

I hereby authorize John Briscoe, Attorney at Law (Briscoe, Ivester & Bazel, LLP)
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Applicant

Stephen E Fagalde
Print Name

09/24/2013
Date (mm/dd/yyyy)

b. CO-APPLICANT:

☒ Owns
project
site

☐ Leases
project
site

☐ Homeowner
Association
owns/will own

☐ Other Property Rights: _____

Name/Title: Port of Oakland

Address: 530 Water St.

City, State, Zip: Oakland, Ca 94607

Telephone: (510) 627-1184 Fax: (510) 465-3755

Email: rsinkoff@portoakland.com

CO-APPLICANT'S REPRESENTATIVE: ☐ None
Richard Sinkoff, Director Environmental Programs

Name/ Title: Planning

Address: 530 Water Street

City, State, Zip: Oakland, CA 94607

Telephone: (510) 627-1184 Fax: (510) 465-3755

Email: rsinkoff@portoakland.com

I hereby authorize
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Co-Applicant

RICHARD SINKOFF
Print Name

9-24-2013
Date (mm/dd/yyyy)

c. PROPERTY OWNER: ☒ Same As Applicant or Co-Applicant

OWNER'S REPRESENTATIVE: ☐ None

Name/Title: _____

Name/Title: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Telephone: _____ Fax: _____

Email: _____

Email: _____

I hereby authorize
to act as my representative and bind me in all matters concerning this application.

Signature of Owner

Print Name

Date (mm/dd/yyyy)

(Box 1, Property Ownership and Applicant Information, continued)

- d. Provide documentation of property interests, such as a copy of a grant deed, lease or easement, and Conditions Covenants and Restrictions, for a homeowner's association, that demonstrates that the owner or applicant has adequate legal interest in the property to undertake the proposed project. See Commission regulations Appendix F for complete details.

e. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

The following contributions of more than \$250 were made by the applicant or applicant's representative to a BCDC commissioner or commissioner's alternate in the preceding twelve months to support the commissioner's or alternate's campaign for election to a local, state or federal office.

Contribution Made To:	Contribution Made By:	Date of Contribution:
------------------------------	------------------------------	------------------------------

<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

☒ No such contributions have been made.

f. CERTIFICATION OF ACCURACY OF INFORMATION AND AUTHORIZATION TO INSPECT:

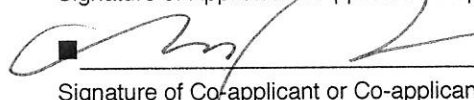
I hereby certify under penalty of perjury that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission. I further agree that the Commission staff may, with 24 hours notice, inspect the project site while this application is pending.

■ 

Signature of Applicant or Applicant's Representative

09.24.2013

Date (mm/dd/yyyy)

■ 

Signature of Co-applicant or Co-applicant's Representative

9-24-2013

Date (mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date(mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date (mm/dd/yyyy)

Box 2

Total Project and Site Information (must be completed by all applicants)

- a. Project Street Address: 2 Broadway
- b. City, County, Zip: Oakland, CA 94607
- c. Assessor's Parcel Number(s): 18-415-5 (Portion thereof)
37°47' 38.32" N 122°16' 35.34" W
- d. Latitude: _____ Longitude: _____
- e. Previous BCDC permit number(s) for work at this site: 1985.019B
- f. Project Name: Public Pavilion - (Replacement Door on South entry Amendment Application)
- g. Brief Project Description: Installation of permanent door and door frame on the south wall of the main Pavilion entryway. This is an amendment for Permit 1985.019B only
- h. Date work is expected to begin: March 2013
Date work is expected to be completed: August 2013
- i. Total Project Cost: \$ \$50,000, Includes only door system
- j. Length of shoreline on the project site: 75 (for Pavilion portion) feet
- k. Length of shoreline at adjacent property owned or controlled by the applicant: _____ feet
3, 818.75 (new door occupies 3.22 sf)
- l. Approximate size of project site within BCDC's "shoreline band" jurisdiction: 581.25 sf are outside of band square feet
- m. Approximate size of project site within BCDC's "Bay" or "certain waterway" jurisdiction: N/A square feet
- n. Approximate size of project site within BCDC's managed wetland or salt pond jurisdiction: N/A square feet
- o. Approximate size of project site within the Suisun Marsh: N/A square feet
- p. Approximate size of project site outside of BCDC's jurisdiction: N/A square feet
- q. Approximate total size of project site (including areas outside BCDC's jurisdiction): 4,400 sq.ft.(total project) square feet
- r. Area of total project site reserved for non-public access uses: N/A (door is 3.22 sf of site) square feet
4,400 sq. ft. (per permit requirements)
- s. Area of total project site reserved for public access: _____ square feet
- t. Does the project involve development within the primary management area of the Suisun Marsh?
☐ Yes ☒ No

If "Yes," provide any relevant duck club number(s): N/A

(Box 2, Total Project and Site Information, continued)

Please note that this application addresses the Pavilion Emergency Exit door system only which occupies at its base 3.22 sf. The totals below address the full Pavilion Site under the Pavilion Roof

u. Project Details. Complete all that apply.

Proposed Elements of the Project	In BCDC's Bay, Certain Waterway, Managed Wetlands or Suisun Marsh Jurisdiction*	In BCDC's Shoreline Band jurisdiction	Outside BCDC's jurisdiction	Totals
1. Structures	_____sq.ft.	3,818.70sq.ft.	581.30sq.ft.	4,400sq.ft.
2. All Roads, Parking, Pathways, Sidewalks	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
3. Number of Parking Spaces:				
4. All Landscaping	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
5. Left undeveloped	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
6. Shoreline Protection	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
7. Piers, docks and other marine-related purposes	_____sq.ft.	_____sq. ft.	_____sq.ft.	0sq.ft.
8. Areas used for other purposes (specify)	_____sq.ft.	_____sq.ft.	_____sq.ft.	0sq.ft.
Totals:	0sq.ft.	3,818.70sq.ft.	581.30sq.ft.	4,400sq.ft.

* If project will occur in more than one of these jurisdictions, provide the requested information for each area separately.

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.
2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.
3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.
4. Endangered or Threatened Species.
 - a. Identify any known threatened or endangered species, or any species that the California Department of Fish and Game or a federal wildlife agency has determined are candidates for listing as threatened or endangered species, or any species that provide substantial public benefits that may be found at the project site.
 - b. Provide any "biological opinion" issued by a state or federal agency as the result of an endangered species consultation.
 - c. Provide any "take" authorizations issued by the state or federal resource agencies.
5. Identify any subtidal areas that are scarce or that have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).
6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.
7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.
8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.
9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.
10. **PROJECT PLANS:** Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay). **See also Appendix F for details.**

Box 3

Fill Information

("Fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. Gov. Code Section 66632(a))

a. Complete this box if fill would be placed in any of these areas (check all those that apply):

- ☐ San Francisco Bay ☐ Salt pond ☐ Managed wetland ☐ "Certain waterway"
- ☐ Primary management area of the Suisun Marsh Other: _____

b. Surface area of tidal and subtidal property to be covered with fill: _____ square feet

c. Total volume of solid fill to be placed in tidal and subtidal areas: _____ cubic yards

d. **Type of Fill.** Surface area of proposed:

Solid fill: _____ square feet

Floating fill: _____ square feet

Pile-supported fill: _____ square feet

Cantilevered fill: _____ square feet

Total area to be filled: square feet

e. **Types of Areas to be Filled.** Of the total area to be filled, what is the footprint of fill that would be placed in:

Open water: _____ square feet

Tidal marsh: _____ square feet

Tidal flat: _____ square feet

Salt pond: _____ square feet

Managed wetlands in the primary management area of the
of the Suisun Marsh: _____ square feet

Other managed wetlands: _____ square feet

f. Area on new fill to be reserved for:

Private, commercial, or other non-public-access uses: _____ square feet

Public access: _____ square feet

(Box 3, Fill Information, continued)

g. INFORMATION REGARDING FILL (PROVIDE IN AN ATTACHMENT):

1. Provide dimensions of portions of all structures to be built on new fill, including length, width, area, height and number of stories.
2. Provide one or more photographs of existing shoreline conditions.
3. Explain the purpose of fill in the Bay, salt pond, managed wetland, certain waterway, or Suisun Marsh considering that the Commission can approve new fill for only five purposes: (a) accommodating a water-oriented use; (b) minor fill for improving shoreline appearance; (c) minor fill for providing new public access to the Bay; (d) accommodating a project that is necessary to the health, safety, or welfare of the public in the entire Bay Area; and (e) accommodating a project in the Suisun Marsh that is consistent with either: (1) the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan; or (2) the Suisun Marsh Local Protection Program.
4. Explain:
 - (a) what possible impacts the fill would have on the Bay Area, including impacts on: (1) the volume of Bay waters, on Bay surface area, or on the circulation of Bay water; (2) water quality; (3) the fertility of marshes or fish or wildlife resources; and (4) other physical conditions that exist within the area, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance; and
 - (b) how the nature, location, and extent of the fill would minimize possible harmful conditions or effects to the Bay.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.
6. Explain: (a) why the fill would be the minimum amount necessary; and (b) why there is no alternative upland location for the project that would avoid the need for Bay fill.
7. If the fill is to be used for improving shoreline appearance or providing new public access to the Bay, explain why it is physically impossible or economically infeasible to accomplish these goals without filling the Bay.
8. Explain how the fill would result in a stable and permanent shoreline.
9. Explain the steps that would be taken to assure that the project will provide reasonable protection to persons and property against hazards of unstable geologic or soil conditions, of sea level rise, or of flood or storm waters.
10. Provide the names, addresses, and telephone numbers of any licensed geologists, engineers, or architects involved in the project design who can provide technical information and certify the safety of the project.
11. Describe in detail the anticipated impacts of the fill on the tidal and subtidal environment, and describe how these impacts would be addressed or mitigated, and explain how the public benefits of the project would clearly exceed the public detriment from the loss of water area, tidal marsh or tidal flats.
12. For marina projects, indicate how many berths, if any, are to be made available for live-aboard boats and explain how these live-aboard boats would contribute to public trust purposes.
13. For tidal, subtidal and other wetland restoration projects, including mitigation projects: (a) identify specific long-term and short-term biological and physical goals; (b) identify success criteria; (c) provide a monitoring program intended to assess the success and sustainability of the project; (d) include an adaptive management plan with corrective measures, if needed, to achieve success and sustainability; and (e) identify the provisions for long-term maintenance, as required by the Bay Plan policies on Mitigation, Tidal and Subtidal Areas. The Commission's laws and policies may be found at www.bcdc.ca.gov in the digital library.

Box 4

Shoreline Band Information

("Shoreline band" means the land area lying between the Bay shoreline and a line drawn parallel to and 100 feet from the Bay shoreline. The Bay shoreline is the Mean High Water Line, or five feet above Mean Sea Level in marshlands.)

- a. Does the project involve development within the 100-foot shoreline band around San Francisco Bay?

☒ Yes ☐ No

If "Yes," complete this box.

- b. Types of activities to be undertaken or fill, materials or structures to be placed within the shoreline band:

This project is to build a permanent door system within the shoreline band. That system consists of a small (3.22sf) concrete support system anchored to the ground, two tubular steel columns extending upwards from that support system and connecting to the Pavilion's roof structure, a cross member, glass and lattice work, and moveable door panels.

- c. Would the project be located within a priority use area designated in the San Francisco Bay Plan?

☐ Yes ☒ No

The Bay Plan and Maps that depict priority use areas can be viewed in the digital library at www.bcdc.ca.gov.

If "No," go to section (d). If "Yes," please indicate which priority use the area is reserved for: _____

Would the project use be consistent with the priority use for which the site is reserved?

☐ Yes ☐ No ☐ Not Applicable

If "Yes," go to section (d). If "No," attach an explanation of how the project can be approved despite this inconsistency.

- d. Total shoreline band area: _____ Within project site: 22,418 square feet
- To be reserved for private, non-public access uses: _____ (See note 4.d below) square feet
- To be reserved for public access: _____ (See note 4.d below) square feet

e. **INFORMATION ABOUT WORK PROPOSED IN THE SHORELINE BAND (PROVIDE IN AN ATTACHMENT):**

1. Provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories.
2. Provide one or more photographs of existing conditions within the 100-foot shoreline band.

Note 4.d (above)- The Pavilion area, along with the 23,000 sf of the Franklin Plaza, is dedicated open space with the exception of the 4,400 sf Public Pavilion which can be closed up to 20% of each year for private purposes. These are the conditions of both Existing Permit 1985.019B and 1985.019.20A. This application addresses the main entry door which must maintain a public space emergency fire door.

Box 5

Public Access Information (must be completed by all applicants)

a. PUBLIC ACCESS DETAILS:

1. Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

☒ Yes ☐ No

If "Yes" attach a description of the existing public access and views at these areas.

Please see attached Elevation A.3., Proposed (safety exit door) project has minimal impact to views

If "No," explain what is preventing public access to, or views of, the shoreline.

2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.

Views and public access would not be significantly adversely affected. (See also attachment.)

3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

This project enhances the visual attractiveness and fire safety of the Pavilion, which will likely increase public use.

4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Pavilion attracts up to 20,000 visitors per year and enhances opportunities for additional visits because it provides a unique venue for public as well as private events.

5. Do public safety considerations or significant use conflicts make it infeasible to provide new public access to the shoreline on the project site?

☐ Yes ☒ No

If "Yes," describe the public safety considerations or significant use conflicts that make it infeasible to provide public access at the project site and either: (1) identify an offsite area where public access to the shoreline is proposed as part of the project and describe the proposed public access area and improvements at that location; or (2) explain why no offsite public access is proposed as part of the project.

(Box 5, Public Access, continued)

6. Dimensions of the public access areas: ☒ None Proposed No significant change in public access

	Existing	Proposed
Total public access area including areas outside the Commission's jurisdiction:	23,000 square feet	4,400 is closed to public access up to 20% of time, per permit requirements, when Pavilion is in Private use (however faster transition could reduce transition time) square feet
Public access within Commission's shoreline band jurisdiction:	23,000 square feet	square feet
	75 lf linear feet	75 lf linear feet
	27 ft average width	27 ft average width
Public access pathways, sidewalks in the shoreline band:	Public access in the shoreline band consists of an existing plaza (Franklin Street Plaza) that connects Franklin Street, Water Street and a public walkway to the 23,000 sf plaza square feet	
	Approx. 214 lineal feet from the southern edge of Water Street and Franklin Street to the shoreline pier railing. linear feet	linear feet
	Approx. 23 feet when in Private use, 85 feet when in public use average width	average width
Public access area, landscaping in the shoreline band:	Landscaping consists of planter boxes adjacent to existing structures and large concrete planters placed inside the plaza area and are typical of retail oriented mixed-use urban projects square feet	
Public access on fill within Commission's Bay, certain waterway, and managed wetlands jurisdiction:	The project does not alter existing shoreline, there is no new fill or pier construction	
	square feet	square feet
	linear feet	linear feet
	average width	average width
Public access on piers or decks over water/wetlands:	The project does not alter existing shoreline, there is no new fill or pier construction	
	square feet	square feet
	linear feet	linear feet
	average width	average width
View Corridor(s):	approximately 15,935 sq. ft. square feet	square feet
	approximately 214 linear ft. linear feet	linear feet
	approximately 85 feet. average width	average width
Public Access Parking:	stalls	stalls
There are approximately 1,300 public paid parking stalls in the area west of Franklin Street.		
There is no new parking for this project.		

b. ADDITIONAL PUBLIC ACCESS INFORMATION (PROVIDE IN AN ATTACHMENT): See Attached information

1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements.
2. Describe how the public access area and facilities would be accessible to disabled persons.
3. Describe the proposed connections to existing public streets or offsite public pathways.
4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.
5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

Box 6

Dredging and Mining Information

- a. Complete this box if the project involves mining, dredging or the disposal of dredged material in any of the following areas.

☐

San Francisco Bay

☐

Salt pond

☐

Managed wetland

☐

"Certain waterway"

☐

Primary management area of the Suisun Marsh

☐

Other: _____

- b. Are you submitting a separate application to the Dredged Material Management Office (DMMO)?

☐

Yes

☐

No

If "Yes," attach a copy of that application; it is not necessary to complete this Box. If "No," complete this box.

- c. Type of activity:

☐

Maintenance Dredging

New Dredging

Mining

- d. Method of dredging or mining: _____

- e. Total volume and area of material to be dredged or mined from:

Open waters: _____ cubic yards _____ square feet

Tidal marshes: _____ cubic yards _____ square feet

Tidal flats: _____ cubic yards _____ square feet

Salt ponds: _____ cubic yards _____ square feet

Managed wetlands in the primary management area of the Suisun Marsh:

_____ cubic yards _____ square feet

Other managed wetlands:

_____ cubic yards _____ square feet

Subtidal areas that are scarce or have an abundance and diversity of fish,
other aquatic organisms and wildlife, such as eelgrass beds and sandy deep water:

_____ cubic yards _____ square feet

Other (specify):

_____ cubic yards _____ square feet

- f. Are knockdowns proposed as part of the dredging project?

☐

Yes

☐

No

Number of knockdowns: _____

Volume per knockdown event: _____

cubic yards

(Box 6, Dredging and Mining Information, continued)

g. Location(s) where dredged or mined material will be deposited: _____

h. Total volume of dredged material to be disposed: cubic yards

Beneficially re-used: cubic yards

i. Estimated future maintenance dredging required annually: _____ cubic yards

j. For dredging projects:

Proposed design depths (MLLW): (1) _____ (2) _____ (3) _____

Proposed over-depth dredging (+ feet): (1) _____ (2) _____ (3) _____

Number of dredging episodes: _____

k. Does this project have an annual average dredging average of 50,000 cubic yards or less?

☐ Yes ☐ No

l. ADDITIONAL INFORMATION (PROVIDE IN AN ATTACHMENT):

1. If the dredged material is to be disposed of in the Bay, explain why the material cannot feasibly be beneficially re-used or disposed of in the ocean, upland, or inland outside of the Commission's jurisdiction.
2. Provide the results of testing for biological, chemical or physical properties of the material to be dredged.
3. Provide a copy of a water quality certification or waste discharge requirements for the dredging or disposal of dredged material from the San Francisco Bay Regional Water Quality Control Board.
4. Identify local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic vegetation; and (e) the Bay's bathymetry.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.

Box 7

Information on Government Approvals (must be completed by all applicants)

	Required YES NO	Type of Approval	Date Approval Expected/Received	Agency Contact and Phone Number
Local Government Discretionary Approval(s):	<input checked="" type="checkbox"/> <input type="checkbox"/> Yes No	**Building and Planning		City of Oakland 510-238-3911
State Lands Commission:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Regional Water Quality Control Board:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
		Regional Board Number:		
California Dept. of Toxic Substances Control:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
California Department of Fish and Game Streambed Alteration Permit:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No	**Building Permit from the City of Oakland (as the lead planning agency for the Jack London Square area) will provide additional planning input and will determine final CEQA requirements and building permit requirements.		
DF&G Take Authorization:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Other DF&G Permit:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
U.S. Army Corps Of Engineers:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
		Public Notice Number:		
U.S. Fish and Wildlife Service: Take Authorization	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Biological Opinion:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
NOAA Fisheries Service: Take Authorization	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Biological Opinion	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
U.S. Coast Guard:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Federal Funding:	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes No			
Other Approval (Specify):				

Box 8

Environmental Impact Documentation (must be completed by all applicants)

- a. Is the project statutorily or categorically exempt from the need to prepare any environmental documentation? ☒ Yes ☐ No
City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements. (Attachment Box 8. A)
- If "Yes," please attach a statement that identifies ar
- b. Has a government agency other than BCDC, serving as the lead agency, adopted a negative declaration or certified an environmental impact report or environmental impact statement on the project? ☐ Yes ☒ No

If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow the Commission to make the necessary findings regarding all applicable policies. The certified document must be submitted prior to action on the permit. City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements. (attachment Box 8 A)

Box 9

Public Notice Information (must be completed by all applicants)

- a. Owners and residents of all properties located within 100 feet of the project site (if more than four, provide the information electronically): **Notice: No residential housing exists in this commercial project area- Building Owners within the Project area are ground lessees, leasing from the Port of Oakland, there are several commercial sub-tenants**

North:

Name: Murasaki Jack London Square
Address: 419 Water St, Oakland, CA 94607
City, State, Zip: (510) 891-9929
murasakijacklondon.com
Telephone: (415) 333-3333

East:

Name: California Canoe & Kayak
Address: Jack London Square, 409 Water St, Oakland, CA 94607
City, State, Zip: (510) 893-7833
Telephone: (415) 333-3333

South:

Name: Kincaid's (Restaurant)
Address: 1 Franklin St, Oakland, California 94607 (510) 835-8600
City, State, Zip: kincaids.com
Telephone: _____

~~West:~~ North

Name: Forge Restaurant
Address: 606 Franklin St, Oakland
City, State, Zip: Oakland, CA 94607
Telephone: 510-268-3200
(415) 333-3333

- b. Other persons known to be interested in this project: ☐ None
(if more than two, provide the information electronically).

Name: Jack London Square Management Offices
Address: 70 Washington Street, Suite 207 Oakland, CA 94607
City, State, Zip: 510.645.9292
Telephone: 510.645.9363 / Fax info@jacklondonsquare.com

Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____
(415) 333-3333

See additional interested contacts on attached pages.

Box 9. Public Notice Information (supplemental)

In addition to those interested parties listed on the form the following are also relevant to other persons (organizations) interested in the project.

Waterfront Coalition

Sandra Threlfall, Executive Director

Waterfront Action

P.O. Box 11456

Oakland, CA 94611

Katherine Gavzy

President

League of Women Voters of Oakland

1305 Franklin Street, Suite 311

Oakland, CA 94612-3222

Jack London District

Association

655 3rd Street, PMB 21

Oakland, CA 94607

(510) 473-JLDA

(510) 473-5532

Email: info@jlida.org

Attachment A

Note: Attachment – to Application for Pubic Pavilion – Permanent Emergency Exit Door – Addendum to Application B rev.9-6-13

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.

The applicant is requesting after-the-fact approval for a replacement wall system for the Public Pavilion. The wall system originally installed on the Pavilion was a plastic/vinyl tent wall system that requires replacement at considerable cost every five years due to wear and tear. That wall system was drafty, energy inefficient, did not provide efficient emergency exit systems, and was visually unattractive. Most significantly, it required four staff members up to four hours to remove and store and an additional four hours to unpack and install the system each time there was a private event.

The replacement wall system is an innovative design-build system using a manufactured product by Kelwall. Kelwall's documentation includes the following statement about its product:

"Kalwall is the most highly insulating, diffuse light-transmitting, structural composite technology in the world. Kalwall has perfected a unique composite fenestration sandwich panel that combines controlled, usable, natural daylight with the ultimate in energy efficiency. Lightweight, shatterproof, and rapidly installed, Kalwall has unrivaled structural integrity." The information on their systems are available at the following website: <http://www.kalwall.com/>

The system at the Public Pavilion consists of approximately 43 individually-designed moveable panels. Each panel is approximately 5 feet wide by 15' high with variations designed for precise fit. Each panel is suspended on specially-designed trolley hangers that roll in a special tubular-track system that surrounds the underside of the exterior structural tubular steel fascia of the Pavilion. The tubular tracks are not visible from outside the Pavilion since they are mounted immediately behind the tubular fascia.

Each wall panel is rolled into place to enclose the Pavilion to provide an insulated and secure system during private events. The panels are rolled back into a stackable wall location when the Public Pavilion is in public use. The effort it takes to install the movable walls in private use takes no more than 30 to 45 minutes and when the process is reversed, the same time is necessary. This process saves up to a total of seven hours from the old system. This savings provides a total of approximately seven additional hours of public access to the Pavilion before and after each private event.

When in public use, the panels are stored outside the existing view corridors. These stored locations are adjacent to existing structures that already obscure the view corridor as they are permanent retail buildings or the Scott's restaurant itself. A complete set of plans and illustrations provides a visual concept of the system that has been installed.

2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.

The Pavilion occupies approximately 4,400 square feet of the approximately 23,000 square foot Franklin Street Plaza area. The Plaza is located at the foot of Franklin Street in Jack London Square, and is bordered by the center basin of the Jack London Square marina on the east and the Oakland Estuary on the south, as well as the vacated Water Street on the north. The Franklin Street plaza was converted from the Franklin Street self parking lot in 1985 to the plaza it is today. It is built on landfill that is supported by an historic quay wall. A portion of the plaza is over an historic pier on the south side. The pier has been in place since before 1950. There is no fishing or direct water access available in this area.

In the process of developing Jack London Square, the Port vacated the streets leading into Jack London Square (on the south side of Embarcadero –aka First Street). The Port then installed acres of interlocking concrete

pavers throughout the phase I area of Jack London Square, including the Plaza, consisting of red, white and gray units and creating patterns on the pavement. The Plaza hosts street furnishing including benches, lighting, and many large concrete planters with seasonal vegetation typical in an urban mixed-use retail center. The curbs, gutters, sidewalks, benches, lighting, planters and pavers help blur the distinction between the streets and pedestrian ways, slow traffic, and invite pedestrian access to all areas.

Two restaurants—Scott's and Kincaid's—were constructed in the 1950s on piers over the Oakland Estuary bordering the Plaza on the south and west. The Plaza thus also provides needed service access to those restaurants as well as a public open space with views of the water on both the east and south. The Plaza also allows pedestrian access to Kincaid's front door and the Pavilion and other banquet facilities within Scott's restaurant. The Plaza houses the UN flag and a plaque dedicated to the charter/conference of the UN which took place in San Francisco in 1945. The plaza provides view access along the railing on the east to view the marina and beyond, and it also leads individuals to a public access walkway along the water that wraps along the water side of Scott's restaurant leading west to the Broadway pier and a viewing platform.

3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.

This project will not disturb Bay waters or Bay mud in the area as all work is being carried out on an existing pier and landfill.

The existing condition of the Oakland Estuary adjacent to the Pavilion is subject to typical tidal currents. The average depth immediately off the pier is no more than 15 feet as it is out of the dredged channel. The water column's turbidity appears to be improving as in other parts of the Bay. This part of the Oakland Estuary is subject to significant recreational vessel movement – not nearly as much commercial vessel traffic as once occurred.

4. Endangered or Threatened Species.

No species that are known to be threatened or endangered are known to exist in the project area, or are likely to be adversely affected by this project.

5. Identify any subtidal areas that are scarce or that have abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).

There is no known scarcity of subtidal areas or particular abundance or diversity of marine life at the site.

6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.

There is no opportunity for the project to create additional storm water runoff or release of pollutants. All painting of the new components is to be completed prior to assembly - off site in a specially designed facility. No other changes to the site would enhance or inhibit current controls or create additional water pollution. There are no new areas proposed to be covered by hard surfaces, and no practical method to change or modify rainwater collection or discharge systems. All pavement washing is done with a water collection vacuum system to eliminate polluted runoff.

7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or

vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.

No subsurface disturbance has been created by the construction of the new moveable wall system or improvements discussed in this permit application. There is known subsurface contamination generally located in various areas in Jack London Square as a result of its industrial history. The subsurface soil contamination was mitigated under the supervision of state regulatory authority to the extent required by law when the Phase I portion of the Jack London Square project was developed (including the construction of the Pavilion) which occurred during the period from 1985- 1990. No further environmental exposure to wildlife or humans exists as a result of this project.

8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.

There are no waste discharge requirements as a result of this project or its on-going operations and therefore no approvals under the authority of DTSC or the RWQCB are required.

9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.

Section 66602 of the McAteer-Petris Act requires that projects provide "maximum feasible public access." BCDC issued Scott's Restaurant a permit (Permit No. 19-85(B)) allowing the Pavilion to be closed for private events up to 20 percent of the time each year, finding that this was consistent with BCDC's laws and policies. The permit found that, before the Pavilion was built, the 23,000 sf plaza received "relatively little public use, in part because its primary function is as a service vehicle access to the two restaurants and retail shops". The permit found that the Pavilion "could generate activities in the plaza which do not occur there now because of the existing building and use configuration. The private banquets events may bring people to Jack London Square who would not otherwise visit the shoreline and it may serve as a catalyst for future visits to the Square and will likely generate additional sales for other business."

The most recent recession and economic slowdown have posed the most significant challenge that Jack London Square has ever faced. With 80 % of the retail currently vacant in Jack London Square, the challenges for this development's success have never been greater. The Pavilion project, however, has been a success. It has provided an opportunity to add an additional anchor to the Jack London Square project by successfully attracting patrons and new guests and exposing them – some for the first time – to the Oakland Waterfront. Since its initial operations began in 1996, the Public Pavilion has generated up to as many as 23,000 new visitors to Jack London Square, for banquets, weddings, and other special events.

The new movable wall system installed on the Pavilion serves BCDC policies by further ensuring that the Pavilion will continue to attract the public to the waterfront. The proposed modification to the existing structure contemplates the replacement of one enclosure system used when the Public Pavilion is in private use with a new, more modern, and easier-to-manage enclosure system. The enclosure system that is being replaced required up to four hours to install for each event and four hours to remove and store after each event. The new system enables the Public Pavilion to be converted from public use to private use in no more than 30 to 45 minutes and back to public use with the same effort in reverse. Using this system permits the Public Pavilion to be open to public use up to a total of approximately seven hours longer before and after each private event. That additional public access should attract new patrons to the area and will help the area become a more attractive and useful

civic venue, consistent with BCDC policies.

10. PROJECT PLANS: Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

To be attached.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay).

These boundaries and sight lines remain the same with this project application.

Attachment B

Box 5 – Public Access Information Attachment. App B.

Box 5.a.1.

Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

Answer to above question continues:

The views on the project site exist as follows: The 23,000 sq. ft. Franklin Street Plaza is located at the foot of Franklin Street in Jack London Square which has a turnaround at Water Street. Water Street (which is a pedestrian street providing access to emergency and service vehicles) bisects Franklin Street at the turnaround. Water Street continues perpendicular to Franklin Street and connects with Broadway and Washington Streets on the west and Webster Streets on the east. The views from Water Street (standing at the foot of Franklin Street) include the center basin of the Jack London Square Marina to the east, Kincaid's waterfront restaurant to the immediate south and views of the Oakland Estuary to the west and east of Kincaid's. The view of the Oakland Estuary from the same vantage point towards the west provides an unobstructed 34 foot wide view corridor to the Estuary approximately 80 percent of the time when the Pavilion is open for public use. The authorized pavilion design provides 18 foot wide view corridor through the plaza to the shoreline during private events.

In general, the views of the Oakland Estuary from the foot of Franklin Street are framed or obstructed by Kincaid's on the east, and by Scott's restaurant on the west. When the Pavilion is in public use, a filtered view of the Estuary exists looking past the Pavilion's lattice like support structure. When walking towards the estuary (entering the Franklin Street Plaza) the water's edge is viewed from the Franklin Plaza pier and a walkway, which permits pedestrians to continue along the estuary west towards Broadway. The walkway/ pier constructed on the water side of Scott's leads to a pair of binoculars on the Broadway Pier installed by Scott's.

Vehicle access from downtown Oakland and Highway 880 is available from surface streets, which are listed above. There are two major parking structures that were constructed between Webster Streets and Clay Streets to support the mixed-use retail development including all the public access along the shoreline in Jack London Square.

Box 5.a.2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact

This project's primary purpose is to replace the wall materials of the Pavilion. The old "tent wall" system has been used since the Pavilion began operation in 1986 and is not an efficient or attractive system for converting the Pavilion between private and public use modes. When the new moveable wall system is in private use mode, the wall panels are anchored to the ground with pegs and the new permanent door system is closed. In the event of an emergency during a private event, the door system can be opened.

The new wall system is designed to enhance public access to the area by providing a more attractive and better working system than the tent walls. One of the primary goals of the moveable walls is that it permits faster turnaround from private events and thus allow more public use of the Public Pavilion. The Pavilion is permitted to be closed to the public for private use up to 20% of the time under current BCD permit number : - PERMIT NO. 19-85(B) (Issued on March 13, 1986, As Amended through October 7, 1997) AMENDMENT

NO. NINE (Scotts) (Exclusive of Amendment Nos. One through Seven, portions of Amendment Nos. Eight and Nine, and Amendment No. Ten -- aka 1985.019B

In order to illustrate the public views with the Pavilion in its current condition (as of July 2013), an exhibit has been prepared showing how this project (excluding the planters) will affect various public views from locations along Water Street:

The pictures were taken along with the accompanying view corridor graphics are described from the western-most point (close to the Canoe and Kayak retail shop) to the easterly direction adjacent to the Center Basin of the Jack London Square Marina, as follows:

View A shows the Pavilion roof line, but the view of the Estuary is generally obscured by the stacked Kayaks and Kincaid's.

View B is 15 feet to the east of A and provides a view of the Pavilion that is less blocked by stored vessels. The view of the water is filtered by Street furniture, Kincaid's, signs on a bent pole and the Pavilion Structure, railings, planters and the like. From this vantage point, the water of the Estuary cannot be viewed directly as the Estuary is too narrow, so the shoreline is shown beyond (which is in Alameda). Any boats on the estuary would be visible, including the vessel docked in the Marina.

View C is 15 feet to the east of B. This view shows more of the retail building occupied by the Canoe and Kayak operation, the stacked Canoes and Kayaks on racks, the Pavilion's permanent portion of the new wall system on the north, the west edge of Scott's Restaurant. The tables and chairs that are required set up in the Pavilion (during public use), the general Jack London Square street furniture, the railings, the westerly wall of Kincaid's, boats docked. It also shows the back panels of the moveable wall system stacked on the south and west side of the Pavilion (which are approximately in line with the angled south wall of Scott's Restaurant near the public access walkway over the water).

View D is 15 feet to the east of C. This shows all of what C's views are with additional street furniture and street trees in the foreground and the UN Flag pole and marker. From these vantage points, the water in the Estuary is difficult to see but the boats are as well as other marine elements give the visual clue.

View E is 15 feet to the east of D. This view illustrates that the new Pavilion moveable wall system does not (when in open to the public position) block the views of the Estuary; those views are already blocked by the existing Scott's Restaurant.

View F. This view is as far east on the Franklin Street/Water Street intersection as could be provided. This view shows a fuller view of the Pavilion which is filtered and framed by the interior structural supports. Note that temporary traffic barriers are evident.

Box 5.a.3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

The use of the Pavilion for both public and private use should be enhanced with these improvements. In 2012 approximately 20,000 people used the site for private events. In general, during the year, the Pavilion requires approximately 35 full and part-time employees to manage the facility. This includes marketing staff, service staff to manage private functions as well as maintenance staff. The Pavilion is

also used by the general public during the time the Pavilion is not in private use, as tables and chairs are set-up in the Pavilion and it is open to pedestrians to stroll through the area. There are no accurate counts of the number of public using the pavilion when the Pavilion is not in private use as no count is maintained, but with the new tables and chairs and new signs more public use should be expected. Additional signs will be installed to inform the public that the Pavilion is Public when the Pavilion is not in private use.

The Pavilion is one element of Jack London Square which is a retail/entertainment/restaurant/office mixed-use development on the Oakland Waterfront. The Jack London Square project was designed, and parking developed, to meet the parking demand requirements of this mixed use development. Within less than one block there is a 300 stall underground parking garage developed to service the land-uses in the vicinity of the Pavilion, including other retail and restaurants. A valet program also exists at the foot of Broadway and the foot of Franklin Streets. The new wall project would have little to no impact on these general facilities.

Box 5.a.4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Public Pavilion is an accessory and unique facility to the existing development in Jack London Square meeting a multi-use public assembly/event facility requirement. Through the years, working with BCDC - the Port and subsequent private developers created significant new shoreline public access. Since 1995, new public access walkways, piers, and green open spaces as well as plazas have been developed in Jack London Square. The Public Pavilion is located in what was once a surface parking lot that has been transformed into the 23,000 square foot Franklin Plaza, the Pavilion occupies 4,400 square feet of that plaza. Jack London Square at one time in the mid to late 1990's attracted 3 million visitors. That visitor count has suffered in recent years due to vacant retail and poor economy. The Pavilion's use, however has begun to grow after several years in decline. These proposed improvements should keep the Pavilion used at its maximum 20% private use. The Pavilion's continued success will have little additional impact on the areas existing parking or street/vehicle/bicycle/pedestrian access. The cost of maintaining these public plazas and public access areas is offset to a small degree by all the tenants in Jack London Square and the Port, the Pavilion's use adds to the funds used to maintain the high level of maintenance required of the public facilities.

Because of the nature of the Pavilion's use, one time private events are scheduled at the Pavilion, including such activity as weddings, meetings and the like. These one-time events attract a new set of customers, some who have not been to Jack London Square or Oakland for many years if ever. The first-time exposure to this area may help attract future visits to the area. The Pavilion serves as an attractor of first time visitors who hopefully will have a positive experience when visiting this waterfront development. The Pavilion needs to project a more modern and attractive venue to continue its designated purpose.

Attachment C

These are expanded answers to questions Box 5.b -- Application B.
Attachment 5.b

5.b.1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements:

The existing public access improvements within this portion of Jack London Square have been in place in part for nearly 30 years as part of a \$300 million Phase I development program approved for Jack London Square under BCDC permit number 1985-019 A, and are described as follows:

Jack London Square is a mixed-use waterfront entertainment oriented retail/office/hotel center located in a 12 block area generally at the foot of Broadway in Oakland. The project consists of several stand-alone waterfront restaurants that have existed since the early 1950's and included in improvements developed in the 1980's by the Port of Oakland and others as part of the Jack London Square Phase I development. The project consists of several other stand-alone retail buildings and office building with retail space located on the ground floors.

The Phase I development program, outlined in BCDC permit 1985-019 A, included new public access walkways along the water's edge that provide pedestrian access from the foot of Broadway (at a Broadway observation pier) via a pier-constructed walkway that passes between the water and the waterfront side of Scott's restaurant, which then connects to the Franklin Street Plaza (the location of the Public Pavilion). The Franklin Street Plaza is partially constructed on an historic Pier and serves as the entry area to the Kincaid's restaurant and well as provides service access to Kincaid's, Scott's and the Water Street I retail building. The plaza also provides for public access, benches, planters, lighting and landscape concrete pavers as well as railings at the water's edge. The Center basin of the Jack London Square Marina (completed in 2000) borders the plaza on the east and provides views and access to the public portion of the Marina including those docks providing for access to the water by California Canoe and Kayak. Within the Broadway/Franklin area of Jack London Square north of the Water Street walkway is the Broadway Underground Garage which has a capacity of 300 vehicles to service the retail and restaurants located near this area. Valet Parking is provided to both the foot of Broadway and the foot of Franklin Street under the BCDC/Port Vehicle Access Plan (VAP) which regulates traffic and parking in Jack London Square. These proposed improvements within the public access area are described in this application, which addresses the storage needs for the Public Pavilion, the need to create a breezeway for when the Public Pavilion is in private use, and planters that will serve as a decorative feature and as protection for the Public Pavilion wall system. These improvements are part of a larger project to enhance the Public Pavilion so that it is a more functional and attractive facility.

These combined improvements are designed to enhance the public enjoyment of the Plaza by providing more public use of the plaza because of the ease of transitioning the Pavilion from public to private use and then back to public use.

The improvements to the Pavilion that are contemplated in this application have little to no effect on the existing public access for the entire Jack London Square area.

2. Describe how the public access area and facilities would be accessible to disabled persons.

Jack London Square was designed under the most current ADA laws at the time, and when upgrades or improvements are made ADA access is updated to provide access under the most current regulations, including ADA access to the Jack London Square Marina. All restaurants and Parking comply with current ADA regulations. All of the public access areas are open to disabled persons and at street level.

3. Describe the proposed connections to existing public streets or offsite public pathways.

All connections to existing public streets and the City of Oakland Street Grid remain unchanged as a part of this project and are covered under conditions and restrictions provided in the VAP.

4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.

The applicant has supplied a document to be reviewed and approved by BCDC which will permanently guarantee the public access for the Public Pavilion. The area is maintained under the Port Agreement with Scott's restaurant under a lease, for which a copy has been provided to BCDC. There are also agreements in place among the Port and the current Jack London Square Developer as well as the Management company to create a Common Area Maintenance (CAM) plan, which has been in existence since 1995. Tenants are assessed a CAM fee which is used to maintain the common areas and landscaping/lighting.

5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

The upland project area is completely urbanized and not a habitat area for species or wildlife. Public access to the site is not likely to have the potential to adversely affect wildlife.

Environmental Impact Documentation

(must be completed by all applicants)- attachment

(Application B)

Box 8. A

Categorical Exemptions under the California Environmental Quality Act.

Please note that the City of Oakland has land-use jurisdiction for development in Jack London Square and that the City will certify or require any additional CEQA documentation. However, our proposed determination recommendation is as follows:

This project would be considered exempt from CEQA under several categorical exemptions.

Class 1 ("existing facilities"): Section 15301 of the CEQA Guidelines exempts the "minor alteration of existing public or private structures". This exemption includes "exterior alterations involving such things as interior partitions". (Section 15301(a).) This project qualifies for this exemption because it is a minor change from one door system (vinyl door system) to another door system (permanent door system). This exemption also includes "[a]dditions to existing structures" that do not result in an increase of more than 50 percent of the floor area or 10,000 square feet (with exceptions not relevant here). (Section 15301(e).) This project also qualifies for this exemption because it increases the area of the approximately 4,000 sf Pavilion by only 3.22 sf, which is much less than the limit of 50 percent of 10,000 square feet.

Class 2 ("replacement or reconstruction"): Section 15302 of the CEQA Guidelines exempts "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced". This exemption applies here because this project replaces one door system, which allows ingress and egress, with another door system with the same purpose and limits.

Class 3 ("new construction or conversion of small structures"): Section 15303 of the CEQA Guidelines exempts "small facilities and structures", including "[a]ccessory (appurtenant) structures". (Section 15303(e).) This exemption applies here because this project is for a relatively small, door system that is appurtenant to the Pavilion.

Class 11 ("accessory structures"): Section 15311 exempts "minor structures accessory to (appurtenant to) existing commercial ... facilities", including "temporary use items ... in generally the same locations from time to time in ... facilities designed for public use". (Section 15311(c).) This exemption applies here because this project is for a minor door system that will be closed from time to time in generally the same location as the existing door system in the public Pavilion.

PUBLIC PAVILION

Jack London Square
Oakland, California

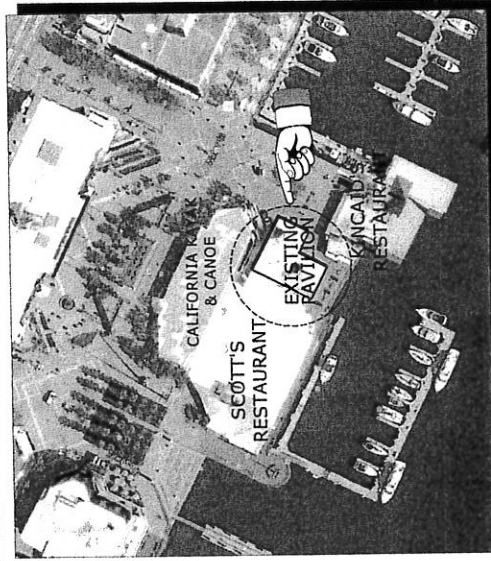
SCOPE OF WORK:

Proposed Permanent
Entry/Exit door

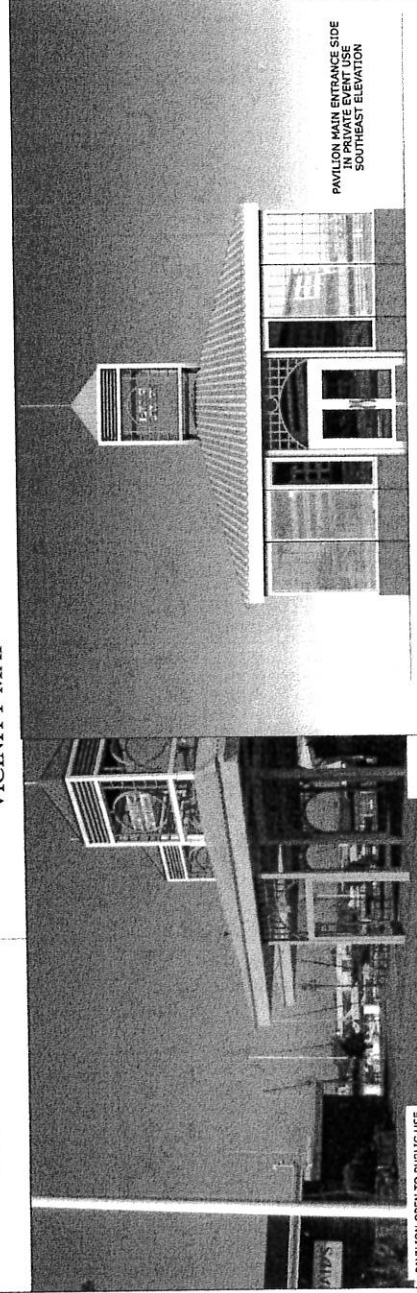
- INDEX:
- A.0.1 VICINITY MAP
 - A.0.2 RENDERINGS
 - A.0.3 PUBLIC ACCESS AND OPEN SPACE PLAN
 - A.1 PLAN VIEW PAVILION PRIVATE AND PUBLIC USE
 - A.2 OVERALL ELEVATION
 - A.3 DOOR ELEVATION & DETAIL VIEW CORRIDOR PLAN

Presented by:
Steven Hanson, Consultant,
Scott's Seafood Restaurants
Steve Fagalde, President,
Scott's Seafood Restaurants

Drawn by:
Juan Rubio
RUBIO BOWDEN DESIGN



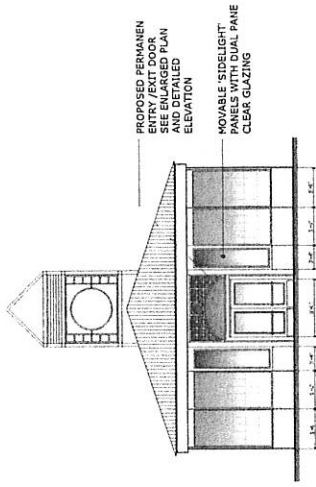
VICINITY MAP



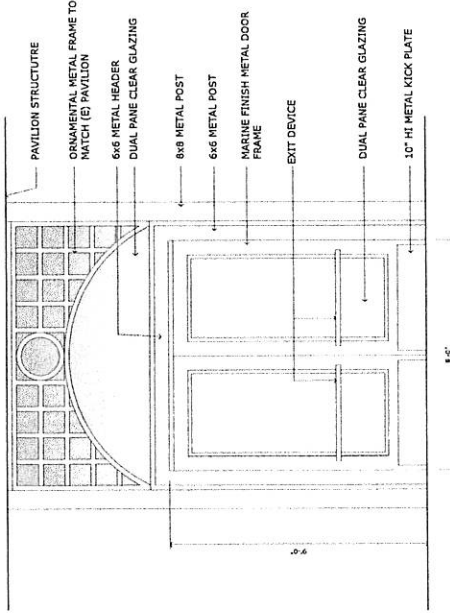
PAVILION OPEN TO PUBLIC USE
EAST VIEW

PAVILION MAIN ENTRANCE SIDE
PAVILION MAIN ENTRANCE USE
SOUTHEAST ELEVATION

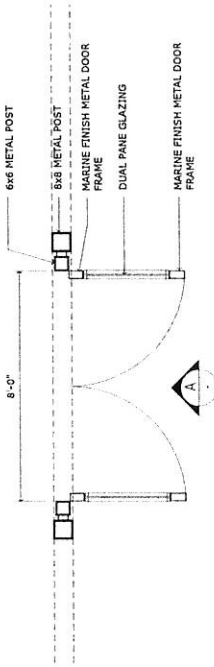




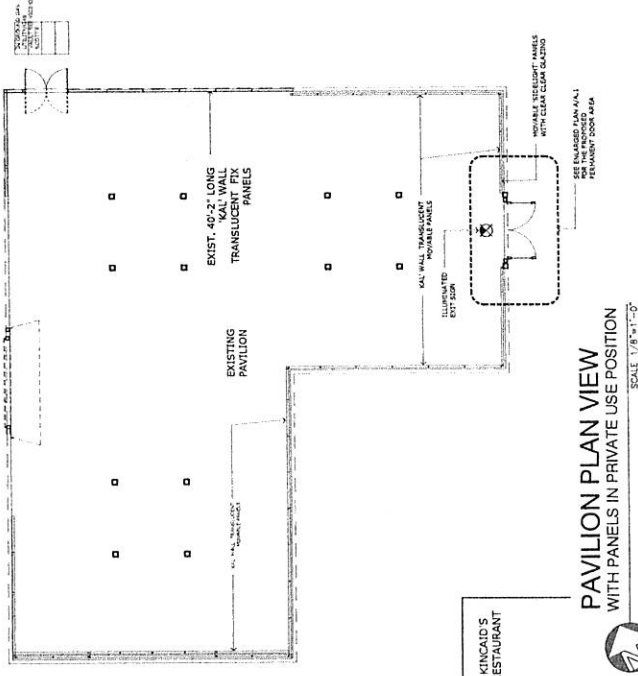
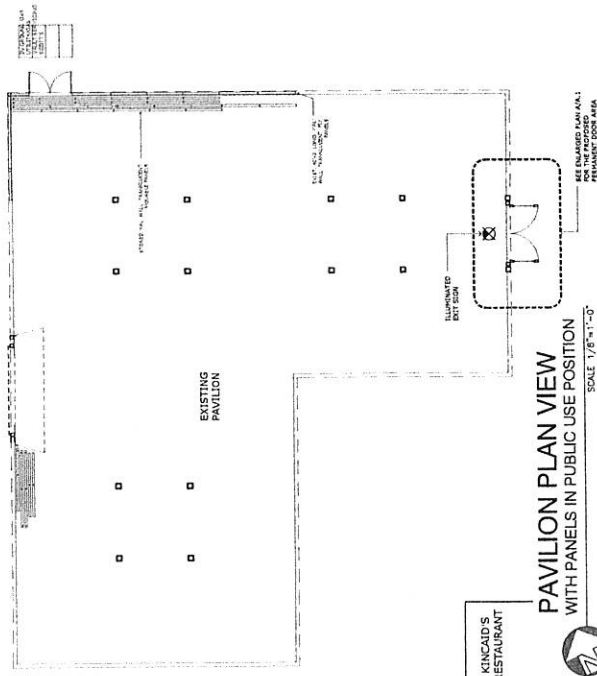
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IN PRIVATE EVENT USE - SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



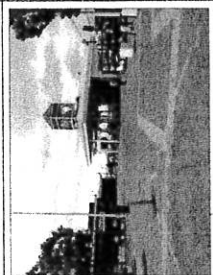
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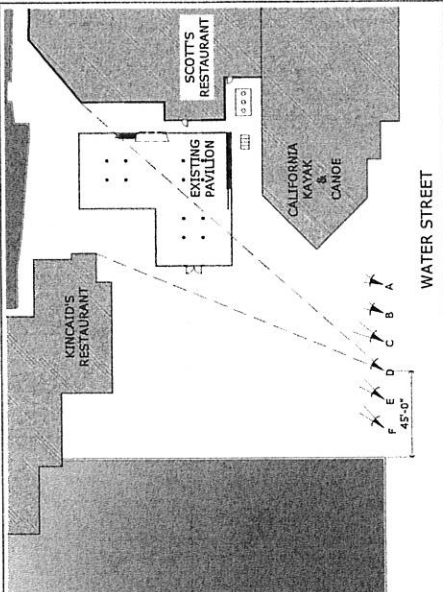
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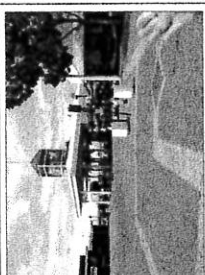
PAVILION
JACK LONDON
SQUARE



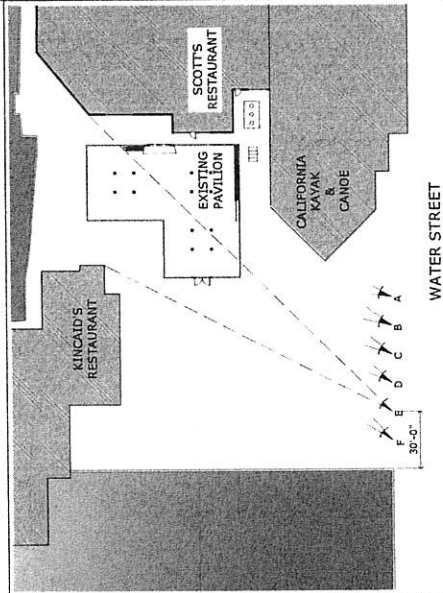
VIEW CORRIDOR 'D'



VIEW CORRIDOR 'C'



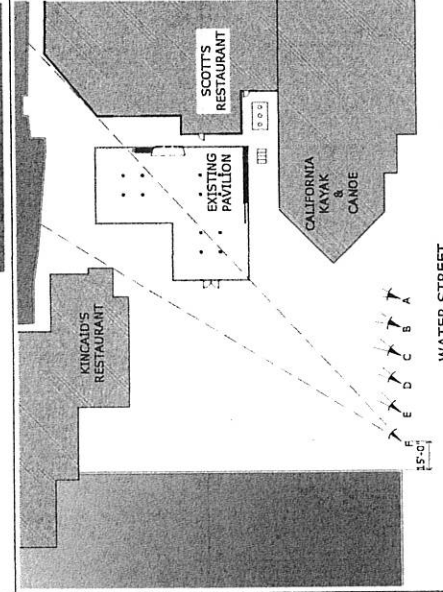
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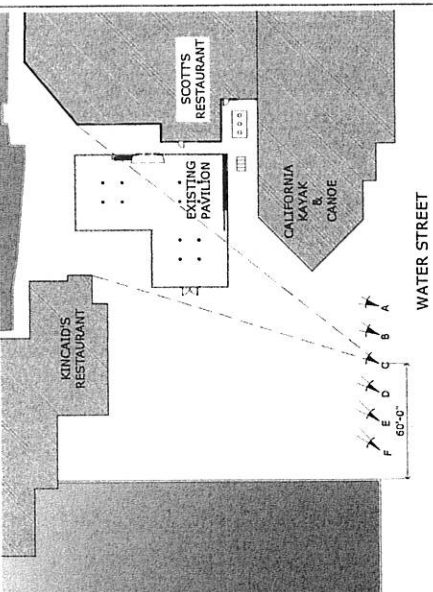
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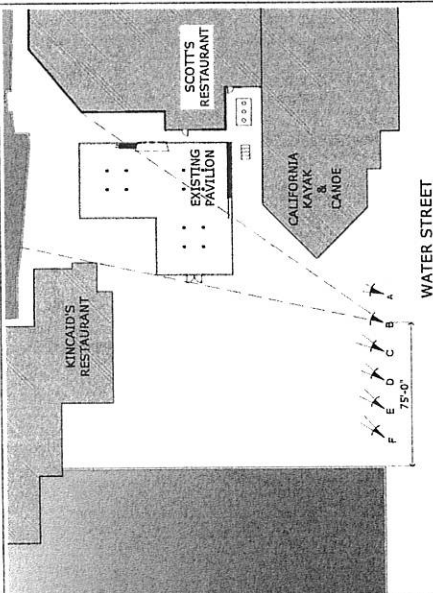
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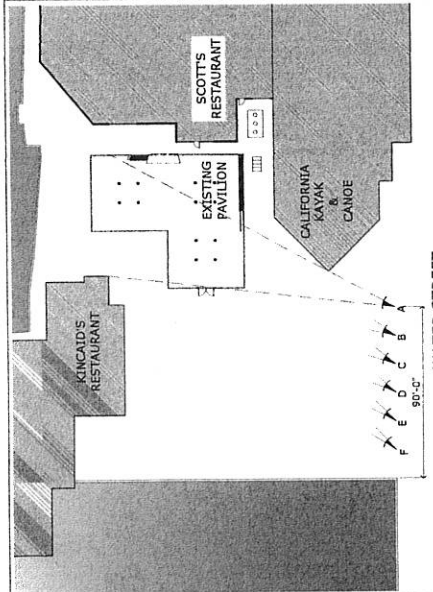
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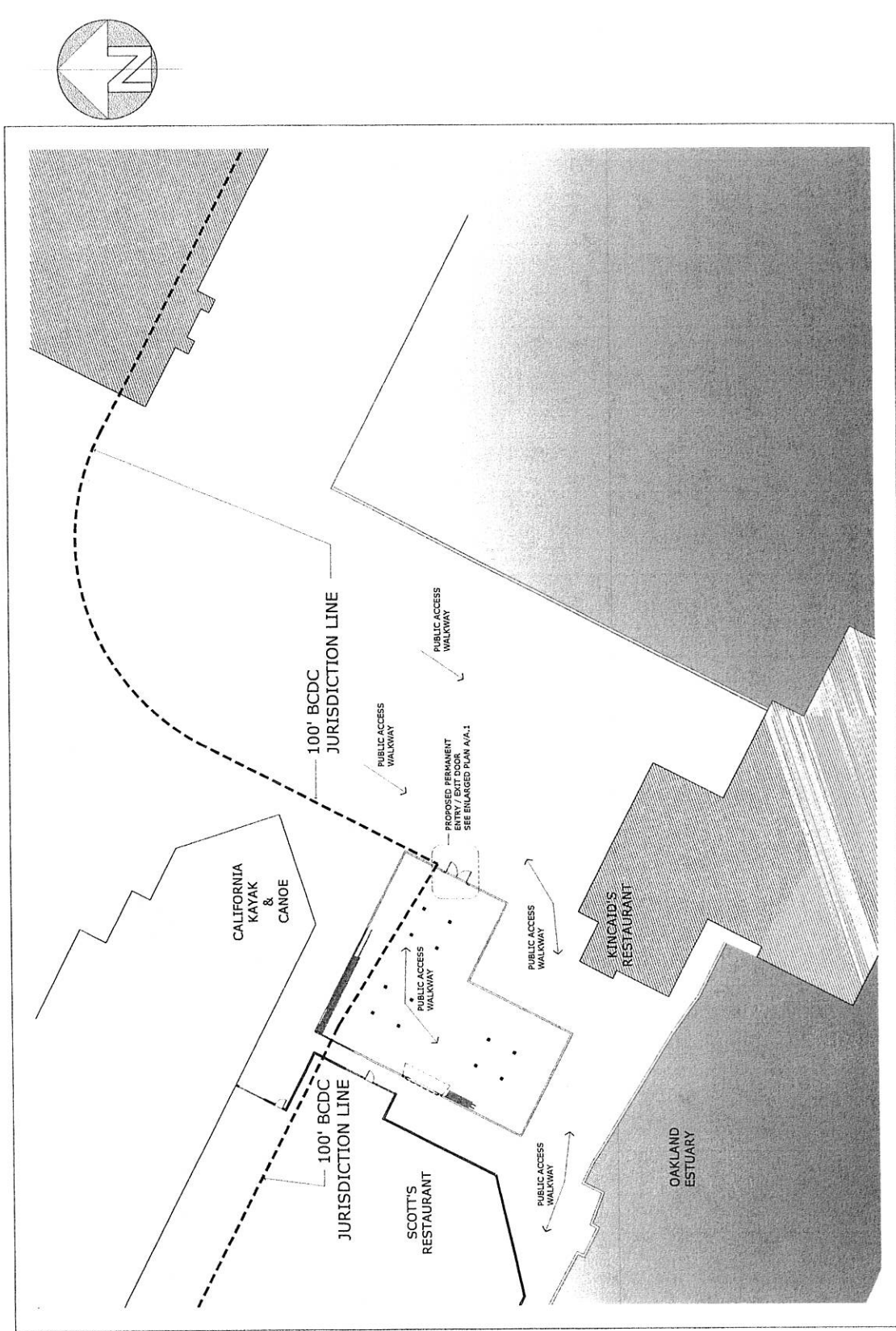
WATER STREET



WATER STREET



WATER STREET



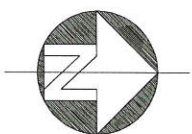
PUBLIC ACCESS AND OPEN SPACE PLAN
scale: 1/16" = 1'-0"

PUBLIC PAVILION

Jack London Square
Oakland, California

SCOPE OF WORK:

Proposed Permanent
Entry/Exit door



INDEX:

- A.0.1 VICINITY MAP
- A.0.2 RENDERINGS
- A.1 PUBLIC ACCESS AND OPEN SPACE PLAN
- A.1 PLAN VIEW PAVILION
- A.1 PRIVATE AND PUBLIC USE
- A.1 OVERALL ELEVATION
- A.1 DOOR ELEVATION & DETAIL
- A.3 VIEW CORRIDOR PLAN

Presented by:

Steven Hanson, Consultant,
Scott's Seafood Restaurants

Steve Fagale, President,
Scott's Seafood Restaurants

Drawn by:

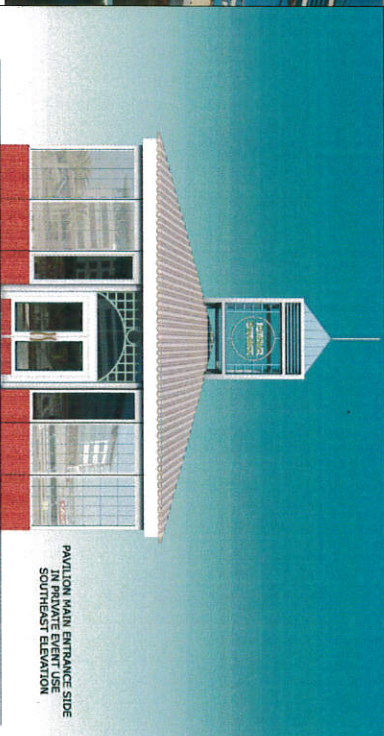
Juan Rubio
RUBIO BOWDEN DESIGN



VICINITY MAP



PAVILION OPEN TO PUBLIC USE
EAST VIEW



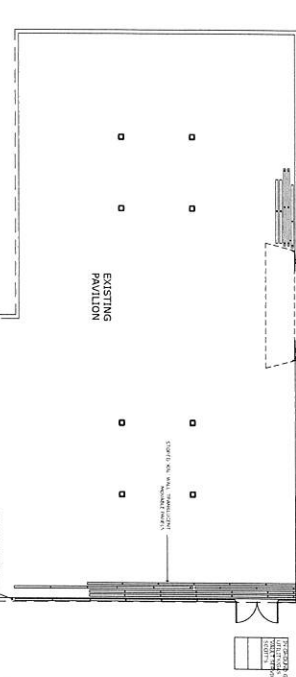
PAVILION MAIN ENTRANCE SIDE
IN PRIVATE EVENT USE
SOUTHWEST ELEVATION

SHEET NUMBER:
A.0.1

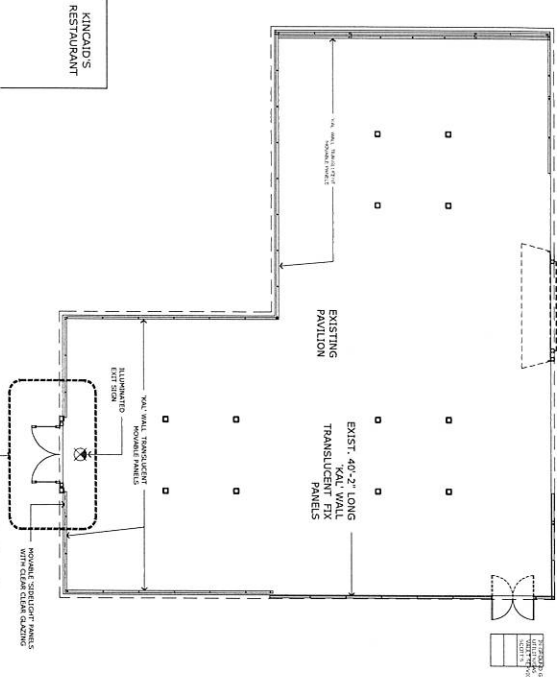
VICINITY
MAP
RENDERINGS

SCALE: 1/8" = 1'-0"

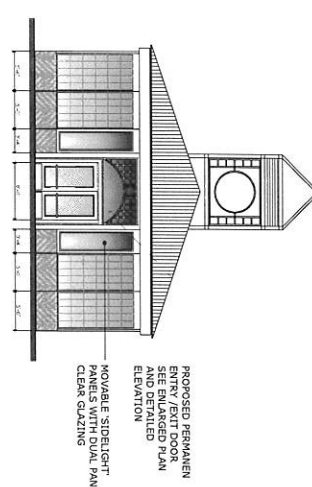
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DATE	07/24/2013
REVISIONS	
BY	
DATE	



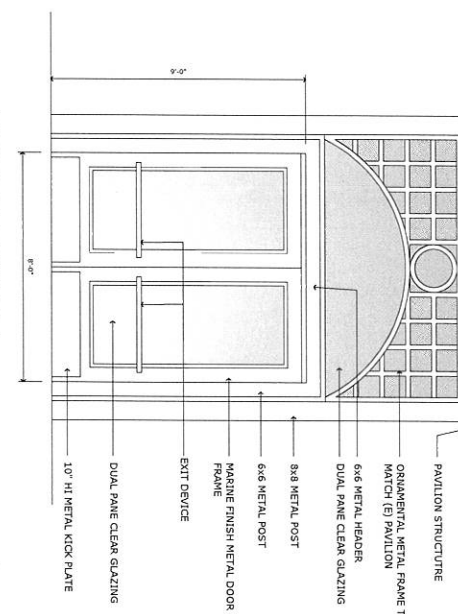
PAVILION PLAN VIEW
WITH PANELS IN PUBLIC USE POSITION
SCALE 1/8"=1'-0"



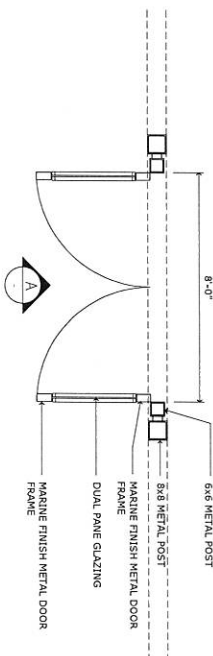
PAVILION PLAN VIEW
WITH PANELS IN PRIVATE USE POSITION
SCALE 1/8"=1'-0"



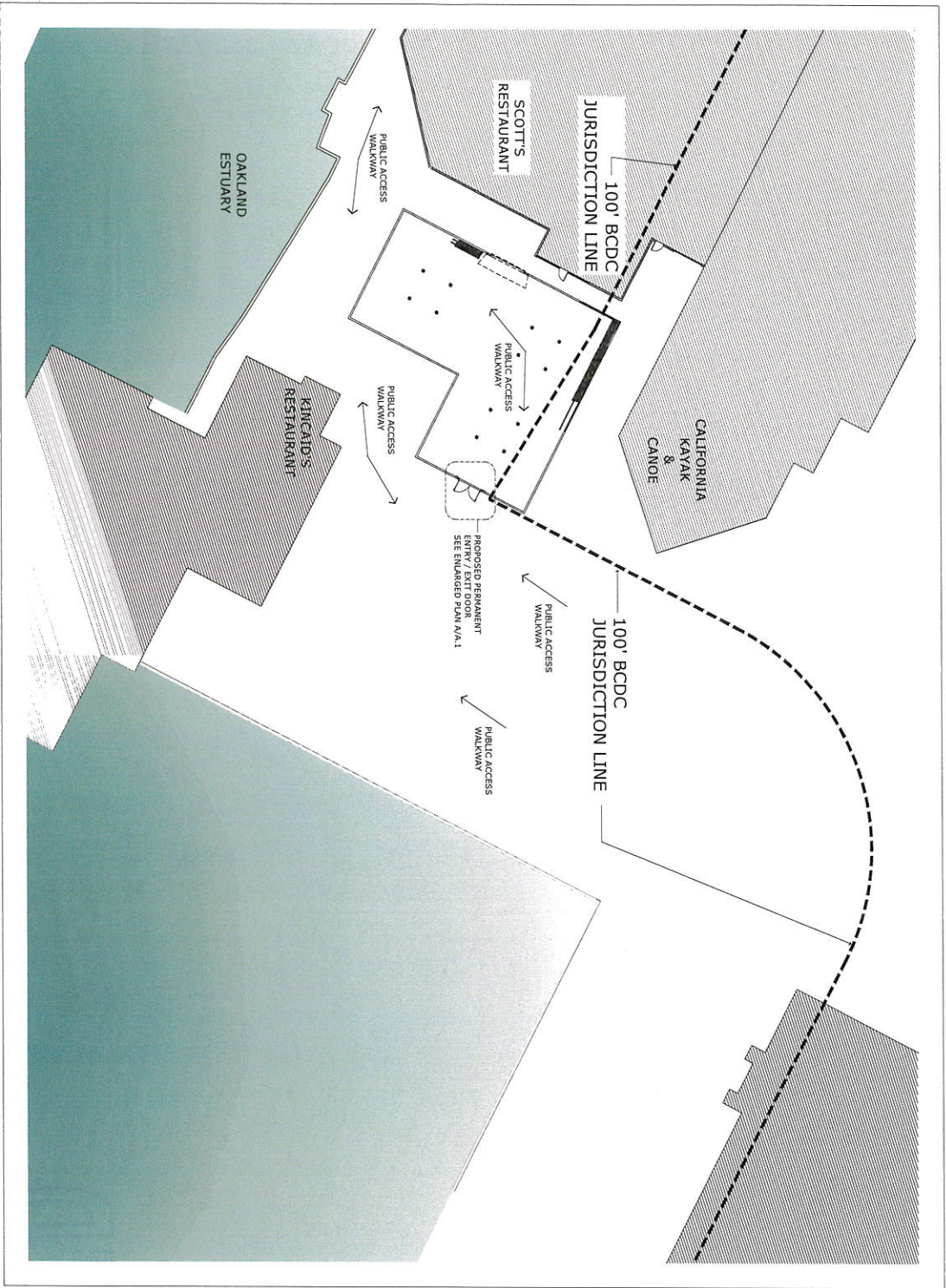
1 PAVILION MAIN ENTRANCE SIDE
IN PRIVATE EVENT USE - SOUTHEAST ELEVATION
SCALE 1/8"=1'-0"



A DOOR ELEVATION
SCALE 1/8"=1'-0"



ENLARGED ENTRY DOOR PLAN
SCALE 1/8"=1'-0"



PUBLIC ACCESS AND OPEN SPACE PLAN
 scale: 1/16" = 1'-0"



SHEET NUMBER:		A.0.2	
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REVISIONS:		PUBLIC ACCESS AND OPEN SPACE PLAN	
DATE:			
BY:			
CHECKED:			

RUBIO BOWDEN
Design

304 Loma Verde Blvd San Leandro, CA 94577
 Tel: (916) 351-9600 Fax: (916) 375-8004
 e-mail: rubio@rubio-bowden.com

ASSESSOR'S MAP 18

Code Area Nos. 17-001

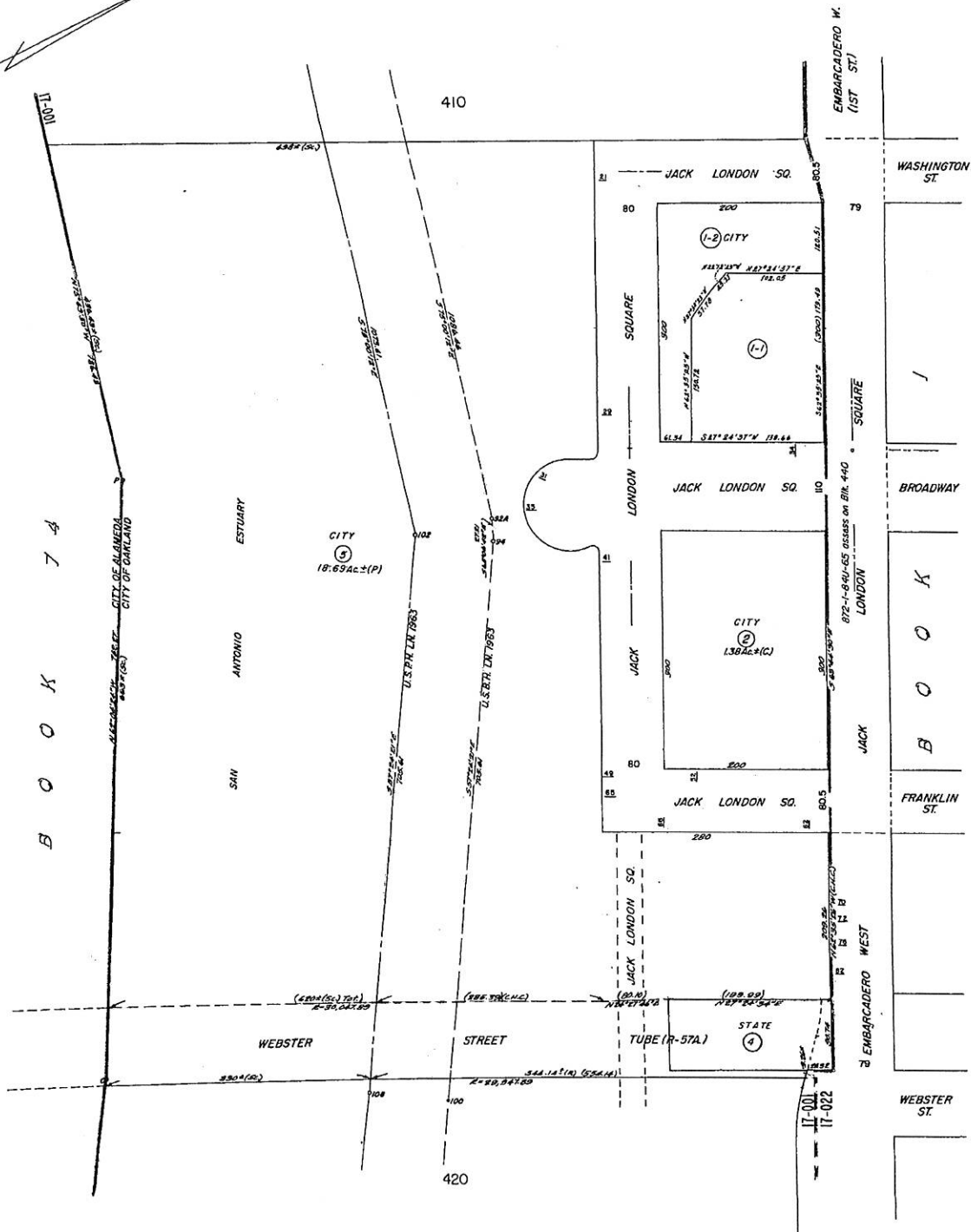
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OAKLAND AND VICINITY (BOARDMAN) (Bk. 17 Pg. 14)

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 8-78 S.C.L.
 8-78 S.C.L.
 11-08-10 ZC

Formerly: Blks. 204, 205 & 206 Blks. 96, 104 & 203
 6/415



A.C.M.

Reference: Case 7-1-2, Case 2-19-20, Case 2-3B-6

HPN-5

1/16 5

Reset

Print

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

BCDC Application Form

Application note:

Port application for main
BCDC permit 19-85(A)
amendment 20. Retain
Storage Room - new
Planters - Breezeway Door
(Application C)



For BCDC Use Only

Application number: 1985.019.01A

Fee: _____

Checklist of Application Requirements (For Applicant's Use)

	Major Permit	Administrative Permit	Regionwide Permit
<input checked="" type="checkbox"/> Application Form	One fully completed and signed original and seven copies	One fully completed and signed original	One fully completed and signed original
<input checked="" type="checkbox"/> Large Scale Project Site Plan	One copy	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Project Site Plan	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> 8.5"x11" Public Access and Open Space Plan	Seven copies	One copy	None
<input checked="" type="checkbox"/> 8.5"x11" Vicinity Map	Seven copies	One copy	One copy
<input checked="" type="checkbox"/> Proof of Legal Property Interest	One copy	One copy	One copy
<input checked="" type="checkbox"/> Local Government Discretionary Approval	One copy	One copy	None
<input checked="" type="checkbox"/> Environmental Documentation	One copy of environmental determination and EIR or EIS Summary	One copy of environmental determination	None
<input type="checkbox"/> N/A Water Quality Certification/Waiver	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Dept. of Toxic Substances Control Approval	One copy, if applicable	One copy, if applicable	One copy, if applicable
<input type="checkbox"/> N/A Biological Opinion/Take Authorization from state and federal agencies	One copy, if applicable	One copy, if applicable	Not applicable
<input checked="" type="checkbox"/> Application Processing Fee	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M
<input checked="" type="checkbox"/> Notice of Application*	Posted at project site	Posted at project site	Posted at project site
<input type="checkbox"/> N/A Certification of Posting the Notice of Application*	One signed original returned to BCDC	One signed original returned to BCDC	One signed original returned to BCDC

*BCDC staff will provide the forms for posting the Notice of application and the Certification.

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resources Code.
Reference: Sections 65940-65942, 66605, 66632(b) and (f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.

Box 1

Property Ownership and Applicant Information (must be completed by all applicants)

a. APPLICANT:

☒ Owns project site ☐ Leases project site ☐ Homeowner Association owns/will own

☐ Other Property Rights: _____

Name/Title: Port of Oakland
Address: 530 Water Street
City, State, Zip: Oakland, CA 94607
Telephone: (510)627-1182 Fax: 510-465-3755
Email: rsinkoff@portoakland.com

APPLICANT'S REPRESENTATIVE: ☐ None *Programs and Planning*
Name/Title: Richard Sinkoff, Director Environmental Planning

Address: 530 Water Street
City, State, Zip: Oakland, CA 94607
Telephone: (510)627-1182 Fax: 510-465-3755
Email: rsinkoff@portoakland.com

I hereby authorize _____
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Applicant

RICHARD SINKOFF
Print Name

9-24-2013
Date (mm/dd/yyyy)

DIRECTOR OF ENVIRONMENTAL
PROGRAMS AND PLANNING

b. CO-APPLICANT:

☐ Owns project site ☒ Leases project site ☐ Homeowner Association owns/will own

☐ Other Property Rights: _____

Name/Title: Scott's Jack London Seafood, Inc
Address: 255 3rd Street, Suite 102
City, State, Zip: Oakland, CA 94607
Telephone: (510) 302-0999 Fax: (510) 302-0995
Email: stevf@scottscorp.com

CO-APPLICANT'S REPRESENTATIVE: ☐ None

Name/Title: John Briscoe, Attorney (S. Hanson consultant)
Address: 155 Sansome St
City, State, Zip: San Francisco, CA 94104
Telephone: (415) 402-2701 Fax: (415) 398-5630
Email: jbriscoe@briscoelaw.net

I hereby authorize John Briscoe, Attorney at Law (Briscoe, Ivester & Bazel, LLP)
to act as my representative and bind me in all matters concerning this application.

[Signature]
Signature of Co-Applicant

Stephen E Fagalde
Print Name

09/23/2013
Date (mm/dd/yyyy)

c. PROPERTY OWNER: ☒ Same As Applicant or Co-Applicant

OWNER'S REPRESENTATIVE: ☐ None

Name/Title: _____
Address: _____
City, State, Zip: _____
Telephone: _____ Fax: _____
Email: _____

Name/Title: _____
Address: _____
City, State, Zip: _____
Telephone: _____ Fax: _____
Email: _____

I hereby authorize _____
to act as my representative and bind me in all matters concerning this application.

Signature of Owner

Print Name

Date (mm/dd/yyyy)

(Box 1, Property Ownership and Applicant Information, continued)

- d. Provide documentation of property interests, such as a copy of a grant deed, lease or easement, and Conditions Covenants and Restrictions, for a homeowner's association, that demonstrates that the owner or applicant has adequate legal interest in the property to undertake the proposed project. See Commission regulations Appendix F for complete details.

e. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

The following contributions of more than \$250 were made by the applicant or applicant's representative to a BCDC commissioner or commissioner's alternate in the preceding twelve months to support the commissioner's or alternate's campaign for election to a local, state or federal office.

Contribution Made To:

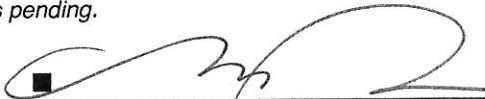
Contribution Made By:

Date of Contribution:

☒ No such contributions have been made.

f. CERTIFICATION OF ACCURACY OF INFORMATION AND AUTHORIZATION TO INSPECT:

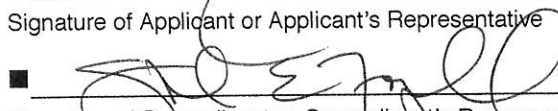
I hereby certify under penalty of perjury that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission. I further agree that the Commission staff may, with 24 hours notice, inspect the project site while this application is pending.

■ 

Signature of Applicant or Applicant's Representative

9-24-2013

Date (mm/dd/yyyy)

■ 

Signature of Co-applicant or Co-applicant's Representative

09-24-2013

Date (mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date(mm/dd/yyyy)

■ _____
Signature of Co-applicant or Co-applicant's Representative

Date (mm/dd/yyyy)

Box 2

Total Project and Site Information (must be completed by all applicants)

- a. Project Street Address: 2 Broadway
- b. City, County, Zip: Oakland, CA 94607
- c. Assessor's Parcel Number(s): 18-415-5 (Portion thereof)
- d. Latitude: 37°47'38.32" N Longitude: 122°16' 35.34" W
- e. Previous BCDC permit number(s) for work at this site: 1985-019A (Jack London Sq. Immediately outside Pavilion area)
- f. Project Name: Public Pavilion Improvements - Three elements - One existing - two new: Existing Storage Room -request to retain use. New Breezeway Door and New Planters.

g. **Brief Project Description:** This project has three parts. The first part is for a permit for an existing storage room that enhances public access to the adjacent pavilion by providing quick storage for equipment used for private pavilion events on those days when the pavilion is open to the public. The second part is to create a modular breezeway between Scott's Restaurant and the pavilion that will enhance the utility and security of the pavilion when in use for private events, and that will be open to the public when the pavilion is open for public use. The third part is to install 16 movable planters around the pavilion to enhance the aesthetics and security of the pavilion.

- h. Date work is expected to begin: Storage Room currently is in use - New planters and Breezeway doors are ready to install.

Date work is expected to be completed: By November 2013

- i. Total Project Cost: \$ \$80,000 - includes past investment and new investment

- i. Length of shoreline on the project site: The site is bordered by about 75 feet of shoreline feet

- k. Length of shoreline at adjacent property owned or controlled by the applicant: Jack London Square has about 2,500 lineal feet of shoreline feet

- l. Approximate size of project site within BCDC's "shoreline band" jurisdiction: 255 sf storage - 122 sf breezeway - 75 sf portable planters square feet

- m. Approximate size of project site within BCDC's "Bay" or "certain waterway" jurisdiction: N/A square feet

- n. Approximate size of project site within BCDC's managed wetland or salt pond jurisdiction: N/A square feet

- o. Approximate size of project site within the Suisun Marsh: N/A square feet

- p. Approximate size of project site outside of BCDC's jurisdiction: None square feet

- q. Approximate total size of project site (including areas outside BCDC's jurisdiction): 23,000 sf (plaza area only) square feet

- r. Area of total project site reserved for non-public access uses: 330 sf -(storage+ planters) and an additional 122 sf of Breezeway when in private use square feet

- s. Area of total project site reserved for public access: 22,670 sf except when Pavilion and Breezeway are in Private USE square feet

- t. Does the project involve development within the primary management area of the Suisun Marsh?

☐ Yes ☒ No

If "Yes," provide any relevant duck club number(s): _____

(Box 2, Total Project and Site Information, continued)

u. Project Details. Complete all that apply.

Proposed Elements of the Project	In BCDC's Bay, Certain Waterway, Managed Wetlands or Suisun Marsh Jurisdiction*	In BCDC's Shoreline Band jurisdiction	Outside BCDC's jurisdiction	Totals
1. Structures	_____sq.ft.	255 + 122+ 75 = 452 sf	_____sq.ft.	255 + 122+ 75 = 452 sf
2. All Roads, Parking, Pathways, Sidewalks	_____sq.ft.	_____sq.ft.	_____sq.ft.	None _____sq.ft.
3. Number of Parking Spaces:				None
4. All Landscaping	_____sq.ft.	16 planters-75 _____sq.ft.	_____sq.ft.	16 planters-75 _____sq.ft.
5. Left undeveloped	_____sq.ft.	23,000-452=22,548	_____sq.ft.	23,000-452=22,548
6. Shoreline Protection	_____sq.ft.	_____sq.ft.	_____sq.ft.	None _____sq.ft.
7. Piers, docks and other marine-related purposes	_____sq.ft.	_____sq. ft.	_____sq.ft.	None _____sq.ft.
8. Areas used for other purposes (specify)	_____sq.ft.	_____sq.ft.	_____sq.ft.	None _____sq.ft.
Totals:	0 _____sq.ft.	255 + 122+ 75 = 452 sf	0 _____sq.ft.	255 + 122+ 75 = 452 sf

* If project will occur in more than one of these jurisdictions, provide the requested information for each area separately.

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.
2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.
3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.
4. Endangered or Threatened Species.
 - a. Identify any known threatened or endangered species, or any species that the California Department of Fish and Game or a federal wildlife agency has determined are candidates for listing as threatened or endangered species, or any species that provide substantial public benefits that may be found at the project site.
 - b. Provide any "biological opinion" issued by a state or federal agency as the result of an endangered species consultation.
 - c. Provide any "take" authorizations issued by the state or federal resource agencies.
5. Identify any subtidal areas that are scarce or that have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).
6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.
7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.
8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.
9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.
10. **PROJECT PLANS:** Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay). **See also Appendix F for details.**

Box 3

Fill Information

("Fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. Gov. Code Section 66632(a))

- a. Complete this box if fill would be placed in any of these areas (check all those that apply): *No fill as part of the project.*

☐

San Francisco Bay

☐

Salt pond

☐

Managed wetland

☐

"Certain waterway"

☐

Primary management area of the Suisun Marsh

Other: _____

- b. Surface area of tidal and subtidal property to be covered with fill: _____ square feet

- c. Total volume of solid fill to be placed in tidal and subtidal areas: _____ cubic yards

- d. **Type of Fill.** Surface area of proposed:

Solid fill: _____ square feet

Floating fill: _____ square feet

Pile-supported fill: _____ square feet

Cantilevered fill: _____ square feet

Total area to be filled:

square feet

- e. **Types of Areas to be Filled.** Of the total area to be filled, what is the footprint of fill that would be placed in:

Open water: _____ square feet

Tidal marsh: _____ square feet

Tidal flat: _____ square feet

Salt pond: _____ square feet

Managed wetlands in the primary management area of the
of the Suisun Marsh:

_____ square feet

Other managed wetlands:

_____ square feet

- f. Area on new fill to be reserved for:

Private, commercial, or other non-public-access uses:

_____ square feet

Public access:

_____ square feet

(Box 3, Fill Information, continued)

g. INFORMATION REGARDING FILL (PROVIDE IN AN ATTACHMENT):

1. Provide dimensions of portions of all structures to be built on new fill, including length, width, area, height and number of stories.
2. Provide one or more photographs of existing shoreline conditions.
3. Explain the purpose of fill in the Bay, salt pond, managed wetland, certain waterway, or Suisun Marsh considering that the Commission can approve new fill for only five purposes: (a) accommodating a water-oriented use; (b) minor fill for improving shoreline appearance; (c) minor fill for providing new public access to the Bay; (d) accommodating a project that is necessary to the health, safety, or welfare of the public in the entire Bay Area; and (e) accommodating a project in the Suisun Marsh that is consistent with either: (1) the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan; or (2) the Suisun Marsh Local Protection Program.
4. Explain:
 - (a) what possible impacts the fill would have on the Bay Area, including impacts on: (1) the volume of Bay waters, on Bay surface area, or on the circulation of Bay water; (2) water quality; (3) the fertility of marshes or fish or wildlife resources; and (4) other physical conditions that exist within the area, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance; and
 - (b) how the nature, location, and extent of the fill would minimize possible harmful conditions or effects to the Bay.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.
6. Explain: (a) why the fill would be the minimum amount necessary; and (b) why there is no alternative upland location for the project that would avoid the need for Bay fill.
7. If the fill is to be used for improving shoreline appearance or providing new public access to the Bay, explain why it is physically impossible or economically infeasible to accomplish these goals without filling the Bay.
8. Explain how the fill would result in a stable and permanent shoreline.
9. Explain the steps that would be taken to assure that the project will provide reasonable protection to persons and property against hazards of unstable geologic or soil conditions, of sea level rise, or of flood or storm waters.
10. Provide the names, addresses, and telephone numbers of any licensed geologists, engineers, or architects involved in the project design who can provide technical information and certify the safety of the project.
11. Describe in detail the anticipated impacts of the fill on the tidal and subtidal environment, and describe how these impacts would be addressed or mitigated, and explain how the public benefits of the project would clearly exceed the public detriment from the loss of water area, tidal marsh or tidal flats.
12. For marina projects, indicate how many berths, if any, are to be made available for live-aboard boats and explain how these live-aboard boats would contribute to public trust purposes.
13. For tidal, subtidal and other wetland restoration projects, including mitigation projects: (a) identify specific long-term and short-term biological and physical goals; (b) identify success criteria; (c) provide a monitoring program intended to assess the success and sustainability of the project; (d) include an adaptive management plan with corrective measures, if needed, to achieve success and sustainability; and (e) identify the provisions for long-term maintenance, as required by the Bay Plan policies on Mitigation, Tidal and Subtidal Areas. The Commission's laws and policies may be found at www.bcdc.ca.gov in the digital library.

Box 4

Shoreline Band Information

("Shoreline band" means the land area lying between the Bay shoreline and a line drawn parallel to and 100 feet from the Bay shoreline. The Bay shoreline is the Mean High Water Line, or five feet above Mean Sea Level in marshlands.)

- a. Does the project involve development within the 100-foot shoreline band around San Francisco Bay?

☒ Yes ☐ No

If "Yes," complete this box.

- b. Types of activities to be undertaken or fill, materials or structures to be placed within the shoreline band:

To permit an existing 255 sq. ft. storage building located between permitted Public Pavilion and the east wall of Scott's restaurant. To also permit the installation of 16 portable metal clad flower planters in an area around the Pavilion to protect the walls, when they are deployed, from potential damage due to allowable commercial vehicles in the area and to install a breezeway doorway between the Pavilion and the restaurant on the north side of the area between the two structures..

- c. Would the project be located within a priority use area designated in the San Francisco Bay Plan?

☐ Yes ☒ No

The Bay Plan and Maps that depict priority use areas can be viewed in the digital library at www.bcdc.ca.gov.

If "No," go to section (d). If "Yes," please indicate which priority use the area is reserved for: _____

Would the project use be consistent with the priority use for which the site is reserved?

☐ Yes ☐ No

If "Yes," go to section (d). If "No," attach an explanation of how the project can be approved despite this inconsistency.

- d. Total shoreline band area:

Within project site:	23,000 sf in this plaza area	square feet
To be reserved for private, non-public access uses:	330 sf (storage area + planters) and an additional 122 sf of Breezeway when in private use	square feet
To be reserved for public access:	22,670 sf except when Pavilion and breezeway are in private use	square feet

- e. **INFORMATION ABOUT WORK PROPOSED IN THE SHORELINE BAND (PROVIDE IN AN ATTACHMENT):**

1. Provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories.
2. Provide one or more photographs of existing conditions within the 100-foot shoreline band.

Box 5

Public Access Information (must be completed by all applicants)

a. PUBLIC ACCESS DETAILS:

1. Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

☒ Yes ☐ No

If "Yes" attach a description of the existing public access and views at these areas.

A set of plans with view corridors and a discussion ^{are} is attached

If "No," explain what is preventing public access to, or views of, the shoreline.

2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.
See discussion below on attached sheet
3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.
See discussion on attached sheet.
4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.
See discussion on attached sheet.
5. Do public safety considerations or significant use conflicts make it infeasible to provide new public access to the shoreline on the project site?

☒ Yes ☐ No

If "Yes," describe the public safety considerations or significant use conflicts that make it infeasible to provide public access at the project site and either: (1) identify an offsite area where public access to the shoreline is proposed as part of the project and describe the proposed public access area and improvements at that location; or (2) explain why no offsite public access is proposed as part of the project. See discussion of consistency with BCDC public access policies, attached

(Box 5, Public Access, continued)

6. Dimensions of the public access areas: ☒ None Proposed

	Existing		Proposed	
Total public access area including areas outside the Commission's jurisdiction:	This project does not substantially increase or decrease current public access			
	23,000	square feet	22,548	square feet
Public access within Commission's shoreline band jurisdiction:	23,000	square feet	22,548	square feet
This shoreline Band consists of an existing plaza (Franklin Street Plaza) that connects Franklin Street, Water Street and a public walkway to the 23,000 sf plaza		linear feet		linear feet
		average width		average width
Public access pathways, sidewalks in the shoreline band:	The narrowest width is approximately 23 feet when Public Pavilion is in Private use- otherwise 85 feet			
		square feet		square feet
		linear feet		linear feet
Landscaping consists of planter boxes adjacent to existing structures and large concrete planters placed inside the plaza area and are typical of retail oriented mixed-use urban projects				
Public access area, landscaping in the shoreline band:		square feet		square feet
Public access on fill within Commission's Bay, certain waterway, and managed wetlands jurisdiction:	The project does not alter existing shoreline, pier, there is no new fill			
		square feet		square feet
		linear feet		linear feet
		average width		average width
Public access on piers or decks over water/wetlands:		square feet		square feet
		linear feet		linear feet
		average width		average width
View Corridor(s):	approximately 15,935 sq. ft.	square feet		square feet
	approximately 214 linear ft.	linear feet		linear feet
	approximately 85 feet.	average width		average width
Public Access Parking:		stalls		stalls
There are approximately 1,300 public paid parking stalls in the area west of Franklin Street.				

b. ADDITIONAL PUBLIC ACCESS INFORMATION (PROVIDE IN AN ATTACHMENT):

1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements.
2. Describe how the public access area and facilities would be accessible to disabled persons.
3. Describe the proposed connections to existing public streets or offsite public pathways.
4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.
5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

Box 6

Dredging and Mining Information

- a. Complete this box if the project involves mining, dredging or the disposal of dredged material in any of the following areas. *Not applicable.*

☐ San Francisco Bay ☐ Salt pond ☐ Managed wetland ☐ "Certain waterway"
☐ Primary management area of the Suisun Marsh ☐ Other: _____

- b. Are you submitting a separate application to the Dredged Material Management Office (DMMO)?

☐ Yes ☐ No

If "Yes," attach a copy of that application; it is not necessary to complete this Box. If "No," complete this box.

- c. Type of activity: ☐ Maintenance Dredging ☐ New Dredging ☐ Mining

- d. Method of dredging or mining: _____

- e. Total volume and area of material to be dredged or mined from:

Open waters: _____ cubic yards _____ square feet

Tidal marshes: _____ cubic yards _____ square feet

Tidal flats: _____ cubic yards _____ square feet

Salt ponds: _____ cubic yards _____ square feet

Managed wetlands in the primary management area of the Suisun Marsh:

_____ cubic yards _____ square feet

Other managed wetlands: _____ cubic yards _____ square feet

Subtidal areas that are scarce or have an abundance and diversity of fish,
other aquatic organisms and wildlife, such as eelgrass beds and sandy deep water:

_____ cubic yards _____ square feet

Other (specify): _____ cubic yards _____ square feet

- f. Are knockdowns proposed as part of the dredging project?

☐ Yes ☐ No

Number of knockdowns: _____

Volume per knockdown event: _____ cubic yards

(Box 6, Dredging and Mining Information, continued)

g. Location(s) where dredged or mined material will be deposited: _____

h. Total volume of dredged material to be disposed: cubic yards

Beneficially re-used: cubic yards

i. Estimated future maintenance dredging required annually: _____ cubic yards

j. For dredging projects:

Proposed design depths (MLLW): (1) _____ (2) _____ (3) _____

Proposed over-depth dredging (+ feet): (1) _____ (2) _____ (3) _____

Number of dredging episodes: _____

k. Does this project have an annual average dredging average of 50,000 cubic yards or less?

☐ Yes ☐ No

l. ADDITIONAL INFORMATION (PROVIDE IN AN ATTACHMENT):

1. If the dredged material is to be disposed of in the Bay, explain why the material cannot feasibly be beneficially re-used or disposed of in the ocean, upland, or inland outside of the Commission's jurisdiction.
2. Provide the results of testing for biological, chemical or physical properties of the material to be dredged.
3. Provide a copy of a water quality certification or waste discharge requirements for the dredging or disposal of dredged material from the San Francisco Bay Regional Water Quality Control Board.
4. Identify local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic vegetation; and (e) the Bay's bathymetry.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.

Box 7

Information on Government Approvals (must be completed by all applicants)

	Required YES NO	Type of Approval	Date Approval Expected/Received	Agency Contact and Phone Number
Local Government Discretionary Approval(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	**Building Permit and Planning Review	Sept 2013	City of Oakland (510) 238-3911
State Lands Commission:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Regional Water Quality Control Board:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
		Regional Board Number:		
California Dept. of Toxic Substances Control:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
California Department of Fish and Game Streambed Alteration Permit:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	**Building Permit from the City of Oakland (as the lead planning agency for the Jack London Square area) will provide additional planning input and will determine final CEQA requirements and building permit requirements.		
DF&G Take Authorization:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Other DF&G Permit:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
U.S. Army Corps Of Engineers:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
		Public Notice Number:		
U.S. Fish and Wildlife Service: Take Authorization	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Biological Opinion:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
NOAA Fisheries Service: Take Authorization	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Biological Opinion	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
U.S. Coast Guard:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Federal Funding:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Other Approval (Specify):				

Box 8

Environmental Impact Documentation (must be completed by all applicants)

- a. Is the project statutorily or categorically exempt from the need to prepare any environmental documentation? ☐ Yes ☐ No
- City of Oakland will make final determination. See attached draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements.

If "Yes," please attach a statement that identifies and supports this statutory or categorical exemption.

- b. Has a government agency other than BCDC, serving as the lead agency, adopted a negative declaration or certified an environmental impact report or environmental impact statement on the project? ☐ Yes ☒ No

If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow the Commission to make the necessary findings regarding all applicable policies. The certified document must be submitted prior to action on the permit. City of Oakland will make final determination. See draft CEQA finding for City to review - preliminary indication from City is that the project meets categorical exemption requirements.

Box 9

Public Notice Information (must be completed by all applicants)

- a. Owners and residents of all properties located within 100 feet of the project site (if more than four, provide the information electronically) **Notice: No residential housing exists in this commercial project area- Building Owners**

<u>within the Project area are ground lessees, leasing from the Port of Oakland, there are</u>	
North:	East:
Name: <u>Forge (Restaurant)</u>	Name: <u>California Canoe & Kayak</u>
Address: <u>66 Franklin St Oakland,</u>	Address: <u>Jack London Square, 409 Water St,</u>
City, State, Zip: <u>www.theforgepizza.com</u>	City, State, Zip: <u>Oakland, CA 94607</u>
Telephone: <u>(510) 268-3200</u>	Telephone: <u>(510) 893-7833</u>
South:	West:
Name: <u>Kincaid's (Restaurant)</u>	Name: <u>Murasaki</u>
Address: <u>1 Franklin St, Oakland, California</u>	Address: <u>JLS</u>
City, State, Zip: <u>94607 (510) 835-8600</u>	City, State, Zip: _____
Telephone: <u>kincaids.com</u>	Telephone: _____

- b. Other persons known to be interested in this project: ☐ None
(if more than two, provide the information electronically).

Name: Jack London Square
Address: Management Offices
-70 Washington Street, Suite 207
City, State, Zip: Oakland, CA 94607
Telephone: 510.645.9292
510.645.9363 / Fax
info@jacklondonsquare.com

Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____
(415) 333-3333

See additional interested contacts on attached pages.

Box 9. Public Notice Information (supplemental)

In addition to those interested parties listed on the form the following are also relevant to other persons (organizations) interested in the project.

Waterfront Coalition

Sandra Threlfall, Executive Director

Waterfront Action

P.O. Box 11456

Oakland, CA 94611

Katherine Gavzy

President

League of Women Voters of Oakland

1305 Franklin Street, Suite 311

Oakland, CA 94612-3222

Jack London District

Association

655 3rd Street, PMB 21

Oakland, CA 94607

(510) 473-JLDA

(510) 473-5532

Email: info@jlida.org

Attachment A

Note: Attachment – to Port Application for Pubic Pavilion – Breezeway door, Storage Room and Planters- Amendment App C.

(Box 2, Total Project and Site Information, continued)

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.

The co-applicants for this application are the Port of Oakland and Scott's Restaurant. The project site, subject to this application, is within the common area of Jack London Square and is outside of the area covered by Permit No. 19-085 (B) Corrected Amendment No. Ten (Scott's) and within the 19-85 A, Amendment No. Twenty, AKA 1985.019.20A. This site is within the BCDC 100 foot shoreline band and is subject to BCDC jurisdiction.

Enclosed Storage Area

This part of the project is an enclosed storage area to support the storage needs of both the public use and the private use of the adjacent Pavilion. The enclosed storage area is located adjacent to a portion of the east wall of Scott's restaurant on one side and adjacent to the western edge of the Pavilion on the other side, in a structure that is 15' 4" wide by 16' 2" deep. Part of the structure resides under the eaves of the eastern wall of the restaurant. The west side of the storage room uses the exterior wall of the Scott's restaurant building as a common wall, as does a portion of the north wall of the storage room. The east wall of the storage room is occupied by a roll up door which allows the storage room to be a backdrop to an area decorated to look like curtains (painted plywood) which demarcates a location (during private events) where risers can be located to form an elevated stage area.

The structure is located on approximately 225 square feet of what is designated as public plaza and common area, but it does not appear to restrict the quality of access or open space in the overall project area. The area occupied by the structure sits between the exterior restaurant wall and the Pavilion in an area that would not have good views of the Bay and would be in the shadow of both the Pavilion roof and the Scott's wall most of the day. When viewing the area from the south side of Water Street near the area of Franklin Street, the storage room would not be in the view corridor as the view would be blocked by the restaurant wall.

Breezeway

This part of the project is to create a modular, weather-proof breezeway in the area bounded by Scott's trash area and an adjacent building to the north, the storage area to the south, Scott's restaurant to the east, and the Pavilion to the west. Installation of this breezeway will improve security, reduce ambient sound, and keep the noise, weather, dust and dirt originating from the delivery and service driveway out of the breezeway area during private Pavilion events. The breezeway door and area will remain open for public access during those times when the Pavilion is open for public access.

This breezeway will be created by installing a wall and service door perpendicular to and attached to the adjacent Scott's Restaurant exterior wall extending to the permanent extension of the new west Kelwall panel section/system (which is non-movable) of the Pavilion (which is the subject of a separate BCDC permit application). This proposed breezeway is under an existing roof overhang. The area within the breezeway (once enclosed with a door on its north end), is 122 square feet. The breezeway area is outside the current lease area and would need a BCDC permit amendment and be incorporated into an amended lease with the Port.

The breezeway area has minimal public access value with the current configuration. There are no water views from this area and little incentive for the public to want to congregate in this location.

Planters

This part of the project is to install 16 movable planters at locations shown on the plan around the perimeter of the Pavilion. The planters are placed at critical sections of the wall that have a probability of being hit by vehicles when the walls are in place. These planters use the same aluminum-diamond paint and powder-coated marine paint design used in the Pavilion's movable-wall system. Each of the 16 planters will occupy 4.7 square

feet, for a total of 75.2 square feet of common area used to site the planters. The planters will be maintained by Scott's Restaurant- the current lessee of the Pavilion.

The planters are intended to offer a green softening element to the plaza area and to supplement planters that have been in the area for years. They are also intended to protect the Pavilion structure and visitors from collisions with vehicular traffic in the area, including delivery and service vehicles.

2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.

The Pavilion occupies approximately 4,400 square feet of the approximately 23,000 square foot Franklin Street Plaza area. The Plaza is located at the foot of Franklin Street in Jack London Square, and is bordered by the center basin of the Jack London Square marina on the east and the Oakland Estuary on the south, as well as the vacated Water Street on the north. The Franklin Street plaza was converted from the Franklin Street self parking lot in 1985 to the plaza it is today. It is built on landfill that is supported by an historic quay wall. A portion of the plaza is over an historic pier on the south side. The pier has been in place since before 1950. There is no fishing or direct water access available in this area.

In the process of developing Jack London Square, the Port vacated the streets leading into Jack London Square (on the south side of Embarcadero -aka First Street). The Port then installed acres of interlocking concrete pavers throughout the Phase I area of Jack London Square, including the Plaza, consisting of red, white and gray units and creating patterns on the pavement. The Plaza hosts street furnishing including benches, lighting, and many large concrete planters with seasonal vegetation typical in an urban mixed use retail center. The curbs, gutters, sidewalks, benches, lighting, planters and pavers help blur the distinction between the streets and pedestrian ways, slow traffic, and invite pedestrian access to all areas.

Two restaurants—Scott's and Kincaid's—were constructed in the 1950's on piers over the Oakland Estuary bordering the Plaza on the south and west. The Plaza thus also provides needed service access to those restaurants as well as a public open space with views of the water on both the east and south. The Plaza also allows pedestrian access to Kincaid's front door and the Pavilion and other banquet facilities within Scott's restaurant. The Plaza houses the UN flag and a plaque dedicated to the charter/conference of the UN which took place in San Francisco in 1945. The plaza provides view access along the railing on the east to view the marina and beyond, and it also leads individuals to a public access walkway along the water that wraps along the water side of Scott's restaurant leading west to the Broadway pier and a viewing platform.

3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.

This project will not disturb Bay waters or Bay mud in the area as all work is being carried out on an existing pier and landfill.

The existing condition of the Oakland Estuary adjacent to the Pavilion is subject to typical tidal currents. The average depth immediately off the pier is no more than 15 feet as it is out of the dredged channel. The water column's turbidity appears to be improving as in other parts of the Bay. This part of the Oakland Estuary is subject to significant recreational vessel movement – not nearly as much commercial vessel traffic as once occurred.

4. Endangered or Threatened Species.

No species that are known to be threatened or endangered are known to exist in the project area, or are likely to be adversely affected by this project.

5. Identify any subtidal areas that are scarce or that have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).

There is no known scarcity of subtidal areas or particular abundance or diversity of marine life at the site.

6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.

There is no opportunity for the project to create additional storm water runoff or release of pollutants. All painting of the new modular/moveable wall system and other components, including the planters required a process known as powder-coating which must be accomplished in a controlled inside environment. All painting of the new components was completed prior to assembly - off site in a specially designed facility. No other changes to the site would enhance or inhibit current controls or create additional water pollution. There are no additional hard surfaces that are created and no practical method to change or modify rainwater collection or discharge systems. All pavement cleaning that is water based is done with a water collection vacuum system to eliminate polluted runoff.

7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.

No subsurface disturbance has been created by the construction of the new moveable wall system or improvements discussed in this permit application. There is known subsurface contamination generally located in various areas in Jack London Square as a result of its industrial history. The subsurface soil contamination was mitigated under the supervision of state regulatory authority to the extent required by law when the Phase I portion of the Jack London Square project was developed (including the construction of the Pavilion) which occurred during the period from 1985- 1990. No further environmental exposure to wildlife or humans exists as a result of this project.

8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.

There are no waste discharge requirements as a result of this project or its on-going operations and therefore no approvals under the authority of DTSC or the RWCQB are required.

9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at www.bcdc.ca.gov.

Storage Room

Section 66602 of the McAteer-Petris Act requires that projects provide "maximum feasible public access." This project is consistent with this requirement because the storage room (along with the movable walls) enables the Pavilion to be transitioned from private use to public access quickly. The storage room is used to store

equipment necessary for private events (including electrical connections, lighting controls, climate control and amplification equipment, tables, chairs, carpets, catering equipment and stage risers) when the Pavilion is in public use. The proximity of the storage room to the Pavilion provides an efficient place to store this private event equipment when the Pavilion is in public use. The storage room enables the Pavilion to be converted to public use in less than 45 minutes after a private event. Storing this equipment at more remote locations would increase the time necessary to convert the Pavilion to public use after private events, and thus decrease public access. The storage room thus benefits public access, consistent with BCDC policies.

Breezeway

The breezeway provides maximum feasible public access in several ways. First, closing the door to the breezeway during private Pavilion events increases the security of those events and thus makes the entire waterfront a more attractive and safe destination for the public. Second, the breezeway door will only be closed during those times when private events take place at the Pavilion. Third, the breezeway area is currently not an attractive area for the public to gather, so the value of the public access lost to that area during private Pavilion events will be minimal.

Planters

The planters also provide maximum feasible public access in several ways. First, the planters increase the attractiveness of the Pavilion, and thus are likely to increase public use of the Pavilion. Second, the planters will protect the Pavilion structure from vehicular traffic, and thus increase the safety and longevity of public use of the Pavilion. Third, the planters, while heavy, are not fixed in place and are able to be moved to accommodate any changes in public use demands.

10. PROJECT PLANS: Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

To be attached.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay).

Attachment B

Box 5 – Public Access Information Attachment.

Box 5.a.1.

Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

The views on the project site exist as follows: The 23,000 sq. ft. Franklin Street Plaza is located at the foot of Franklin Street in Jack London Square. Water Street, which is a pedestrian street providing access to emergency and service vehicles, bisects Franklin Street. Water Street continues perpendicular to Franklin Street and connects with Broadway and Washington Streets on the west and Webster Streets on the east. The views from Water Street (standing at the foot of Franklin Street) include the center basin of the Jack London Square Marina to the east, Kincaid's waterfront restaurant to the immediate south and views of the Oakland Estuary to the west and east of Kincaid's. The view of the Oakland Estuary from the same vantage point towards the west provide an unobstructed 34 foot wide view corridor to the Estuary approximately 80 percent of the time when the Pavilion is open for public use. The authorized Pavilion design provides 18 foot wide view corridor through the plaza to the shoreline during private events.

In general, the views of the Oakland Estuary from the foot of Franklin Street are restricted by Kincaid's and on the west and by Scott's Restaurant. When the Pavilion is in public use, a filtered view of the Estuary exists looking past the Pavilion's lattice-like support structure. When walking towards the Estuary (entering the Franklin Street Plaza, the water's edge is viewed from the Franklin Plaza pier and a walkway, which permits pedestrians to continue along the Estuary west towards Broadway. The walkway/ pier constructed on the water side of Scott's leads to a pair of binoculars on the Broadway Pier installed by Scott's.

Vehicle access from downtown Oakland and Highway 880 is available from surface streets, which are listed above. There are two major parking structures that were constructed between Webster Streets and Clay Streets to support the mixed-use retail development including all the public access along the shoreline in Jack London Square.

Box 5.a.2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.

This application addresses elements of the proposed Pavilion wall project that will make the Pavilion a better and more attractive public space for years to come. With these improvements, the Pavilion should be able to attract additional guests over the next number of years. This proposed improvements promote one of the objectives of the McAteer-Petris Act by creating a unique and new (improved) opportunity for the public to experience the Bay. The result of construction and operation of these improvements will serve to continue to support the initial findings in the original permit under the McAteer-Petris Act. These improvements will assure that the Pavilion will continue its operations into the future. These improvements will permit the Pavilion to be open to the public for longer by reducing the time required to reopen the Pavilion to public access after private events.

In order to illustrate the public views with the Pavilion in its current condition (as of July 2013), an exhibit has been prepared showing how this project (excluding the planters) will affect various public views from locations along Water Street ..

The pictures were taken along with the accompanying view corridor graphics, are described from the western-most point (close to the Canoe and Kayak retail shop) to the easterly direction adjacent to the Center Basin of the Jack London Square Marina, as follows:

View A, shows the Pavilion roof line, but the view of the Estuary is generally obscured by the stacked Kayaks and Kincaid's.

View B, is 15 feet to the east of A and provides a view of the Pavilion that is less blocked by stored vessels. The view of the water is filtered by Street furniture, Kincaid's, signs on a bent pole and the Pavilion Structure, railings, planters and the like. From this vantage point, the water of the Estuary cannot be viewed directly as the Estuary is too narrow, so the shoreline is shown beyond (which is in Alameda). Any boats on the estuary would be visible, including the vessel docked in the Marina.

View C, is 15 feet to the east of B. This view shows more of the retail building occupied by the Canoe and Kayak operation, the stacked Canoes and Kayaks on racks, the Pavilion's permanent portion of the new wall system on the north, the west edge of Scott's Restaurant. The tables and chairs that are required to be set up in the Pavilion (during public use), the general Jack London Square street furniture, the railings, the westerly wall of Kincaid's, boats docked. It also shows the back panels of the moveable wall system stacked on the south and west side of the Pavilion (which are approximately in line with the angled south wall of Scott's Restaurant near the public access walkway over the water).

View D is 15 feet to the east of C. This shows all of what C's views are with additional street furniture and street trees in the foreground and the UN Flag pole and marker. From these vantage points, the water in the Estuary is difficult to see but the boats are as well as other marine elements give the visual clue.

View E is 15 feet to the east of D. This view illustrates that the new Pavilion moveable wall system does not (when in open to the public position) block the views of the Estuary; those views are already blocked by the existing Scott's Restaurant.

View F. This view is as far east on the Franklin Street/Water Street intersection as could be provided. This view shows a fuller view of the Pavilion which is filtered and framed by the interior structural supports. Note that temporary traffic barriers are evident.

The individual components of the project have the following impacts on public access and views:

Storage Room: The storage room is constructed between the Pavilion and Scott's restaurant. Unless a person were standing in the service area and over the access manholes to the undergoing grease traps for Scott's, there is little valuable water view from this site. The building does occupy 255 sq. ft. of unattractive area that would otherwise be open to public access, but having this building available will help Scott's keep the much more attractive Pavilion open to the public longer. Illustrated in the pictures taken in the view corridor study, the Storage room is not a visible element.

Breezeway Doorway: The Breezeway doorway is also adjacent to Scott's restaurant – farther north and away from the water. It is close to the south side service area to the Water Street II building (the retail building where Canoe and Kayak are tenants). There is also little valuable water view from this site. The

doorway will only be in use when the Pavilion is in private use. Illustrated in the pictures taken in the view corridor study, the Breezeway area is not a visible element.

The Planters: There are currently hundreds of planters in the common areas throughout Jack London Square. The planters are proposed to be located strategically to create pathways, keep vehicles out of certain areas and provide a focal point for visitors. There are proposed to be 16 new planters installed at the Pavilion. As noted, in the illustration on the included plan set (Illustration A.1), most of the planters are located at strategic locations such as corners and primarily along the north wall of the Pavilion where service vehicles frequent the delivery area. The primary purpose of the planters is to protect the wall-system when the Pavilion is in private use mode (and the walls are closed). The north section along the delivery area must be protected at all times. The planters are not blocking views and they are not intended to restrict use of the pavilion when the Pavilion in public use mode. By protecting the safety of the Pavilion area, the planters will improve public access in the area.

Box 5.a.3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

The use of the Pavilion for both public and private use should be enhanced with these improvements. In 2012, approximately 20,000 people used the site for private events. In general, during the year, the Pavilion requires approximately 35 full and part-time employees to manage the facility. This includes marketing staff, service staff to manage private functions as well as maintenance staff. The Pavilion is also used by the general public during public use, as tables and chairs are set up in the Pavilion and it is open for pedestrians to stroll through the area. There are no accurate numbers of Public Pavilion users as no count is maintained, but with the new tables and chairs and new signs, it is expected that more public use will take place. Additional signs will be installed to inform the public that the Pavilion is a public facility.

The Pavilion is one element of Jack London Square which is a retail/entertainment/restaurant/office mixed-use development on the Oakland Waterfront. The Jack London Square project was designed and parking developed to meet the parking demand requirements of this mixed-use development. Within less than one block from the project site, there is a 300-stall underground parking garage developed to service the activities and services in the vicinity of the Pavilion, including other retail businesses and restaurants. A valet program also exists at the foot of Broadway and the foot of Franklin Street. The new wall project would have little to no effect on these general facilities.

Box 5.a.4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

The Public Pavilion is a covered assembly area on the waterfront that can be used for both public and private events. There are no other covered assembly areas in Jack London Square. It provides shelter to those public events that might wish to take advantage of that feature. Through the years, working with BCDC - the Port and subsequent private developers created significant new shoreline public access. Since 1995, new public access walkways and handscape, piers, etc. have been created. In addition, green open spaces (which can be characterized as softscape that includes vegetation, grasses, trees, as well as plazas have been developed in Jack London Square.

The Public Pavilion is located in what was once a surface parking lot that has been transformed into the 23,000 square foot Franklin Plaza. The Pavilion occupies 4,400 square feet of that plaza. Jack London Square at one time in the mid-to late-1990's attracted 3 million annual visitors. That visitor count has suffered in recent years due to vacant retail and poor the downturn in the local and national economies.

Recently, however, both public and private uses of the Pavilion have begun to grow after several years in decline. These numbers are reflected in the recently reported annual events synopsis that was provided to BCDC staff showing the last five years of use. Private events, such as weddings and meetings, attract a new set of visitors, some who have not been to Jack London square of Oakland for many years, if ever. The first-time exposure to this area may help attract future visits to the area. The Pavilion serves as an attractor of first time visitors who hopefully will have a positive experiences when visiting this waterfront development. By improving the ability of Scott's to efficiently host private events, and then quickly transition back to public use, this project is likely to continue to contribute to the recovery and growth of public use of the area.

Attachment C

These are expanded answers to questions Box 5.b
Attachment 5.b

5.b.1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements:

The existing public access improvements within this portion of Jack London Square have been in place in part for nearly 30 years as part of a \$300 million Phase I development program approved for Jack London Square under BCDC permit number 1985 - 019 A, and are described as follows:

Jack London Square is a mixed - use waterfront entertainment oriented retail/office/hotel center located in a 12-block area generally at the foot of Broadway in Oakland. The project consists of several stand - alone waterfront restaurants that have existed since the early 1950's and included in improvements developed in the 1980's by the Port of Oakland and others as part of the Jack London Square Phase I development. The project consists of several other stand - alone retail buildings and office building with retail space located on the ground floors.

The Phase I development program, outlined in BCDC permit 1985 - 019 A, included new public access walkways along the water's edge that provides pedestrian access from the foot of Broadway (at a Broadway observation pier) via a pier-constructed walkway that passes between the water and the waterfront side of Scott's restaurant, which then connects to the Franklin Street Plaza (the location of the Public Pavilion). The Franklin Street Plaza is partially constructed on an historic Pier and serves as the entry area to the Kincaid's restaurant and well as provides service access to Kincaid's, Scott's and the Water Street I retail building. The plaza also provides for public access, benches, planters, lighting and landscape concrete pavers as well as railings at the water's edge. The Center basin of the Jack London Square Marina (completed in 2000) borders the plaza on the east and provides views and access to the public portion of the Marina including those docks providing for access to the water by California Canoe and Kayak. Within the Broadway/Franklin area of Jack London Square north of the Water Street walkway is the Broadway Underground Garage which has a capacity of 300 vehicles to service the retail and restaurants located near this area. Valet Parking is provided to both the foot of Broadway and the foot of Franklin Street under the BCDC/Port Vehicle Access Plan (VAP) which regulates traffic and parking in Jack London Square. These proposed improvements within the public access area are described in this application, which addresses the storage needs for the Public Pavilion, the need to create a breezeway for when the Public Pavilion is in private use, and planters that will serve as a decorative feature and as protection for the Public Pavilion wall system. These improvements are part of a larger project to enhance the Public Pavilion so that it is a more functional and attractive facility.

These combined improvements are designed to enhance the public enjoyment of the Plaza by providing more public use of the plaza because of the ease of transitioning the Pavilion from public to private use and then back to public use. The improvements to the Pavilion that are contemplated in this application have little to ^{no effect} on the existing public access for the entire Jack London Square area. The new planters provided needed protection to the wall system when the Pavilion is in Private use and provide a simply a visual green element similar to what other planters provide within the present Jack London Square development.

The improvements to the Pavilion that are contemplated in this application have little to no effect on the existing public access for the entire Jack London Square area. The new planters provide needed protection to the wall system when the Pavilion is in private use and provide a simply a visual green element similar to what other planters provide within the present Jack London Square development.

2. Describe how the public access area and facilities would be accessible to disabled persons.

Jack London Square was designed under the most current ADA laws at the time, and when upgrades or improvements are made ADA access is updated to provide access under the most current regulations, including ADA access to the Jack London Square Marina. All restaurants and Parking comply with current ADA regulations. All of the public access areas are at street level and open to disabled persons.

3. Describe the proposed connections to existing public streets or offsite public pathways.

All connections to existing public streets and the City of Oakland Street Grid remain unchanged as a part of this project and are covered under conditions and restrictions provided in the VAP.

4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.

BCDC has approved an agreement which, once executed and recorded, will permanently guarantee the public access for the Public Pavilion. The agreement is known as "Agreement Imposing Public Access Restrictions on the Use of Real Property".

Public access to the breezeway area (when in public use) is provided and will be incorporated into a revised agreement with the Port of Oakland to conform to BCDC requirements. Maintenance of the Pavilion and the common area occupied by the Pavilion is a requirement of the lease between the Port of Oakland and Scott's restaurant. The remainder of the public plaza area is maintained by the Jack London Square entertainment oriented retail center's Common Area Maintenance (CAM) plan, which has been in existence since 1995. The Port and current developer and their successors have entered into agreements tied to various ground leases requiring the funding of the CAM fees. The CAM fees are used to maintain the common areas and landscaping/lighting. Maintenance, operations and security of the area are maintained by the Common Area Manager hired by the Port of Oakland and the Developer/Building Owners of which the Port of Oakland is a 50% participating member.

5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

The upland project area is completely urbanized and not a habitat area for species or wildlife, and so public access to the site is not likely to have the potential to adversely affect wildlife.

PUBLIC PAVILION

Jack London Square
Oakland, California

SCOPE OF WORK:

Proposed storage, breeze door
and planter boxes



INDEX:

- A.0.1 VICINITY MAP
- A.0.2 PUBLIC ACCESS AND OPEN SPACE PLAN
- A.2 FLOOR PLAN
- ELEVATIONS
- SECTION
- DOOR SCHEDULE
- A.3 VIEW CORRIDOR PLAN

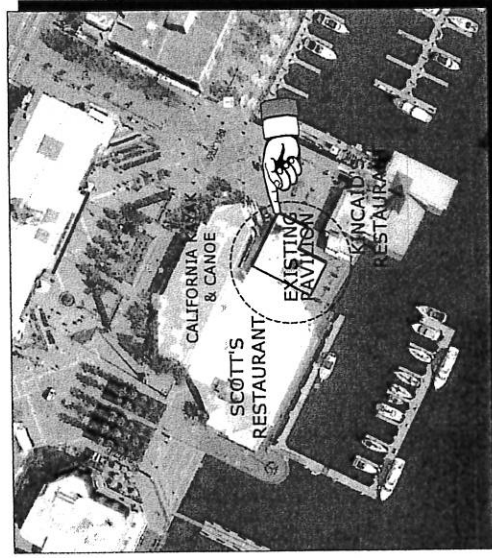
Presented by:

Steven Hanson, Consultant,
Scott's Seafood Restaurants

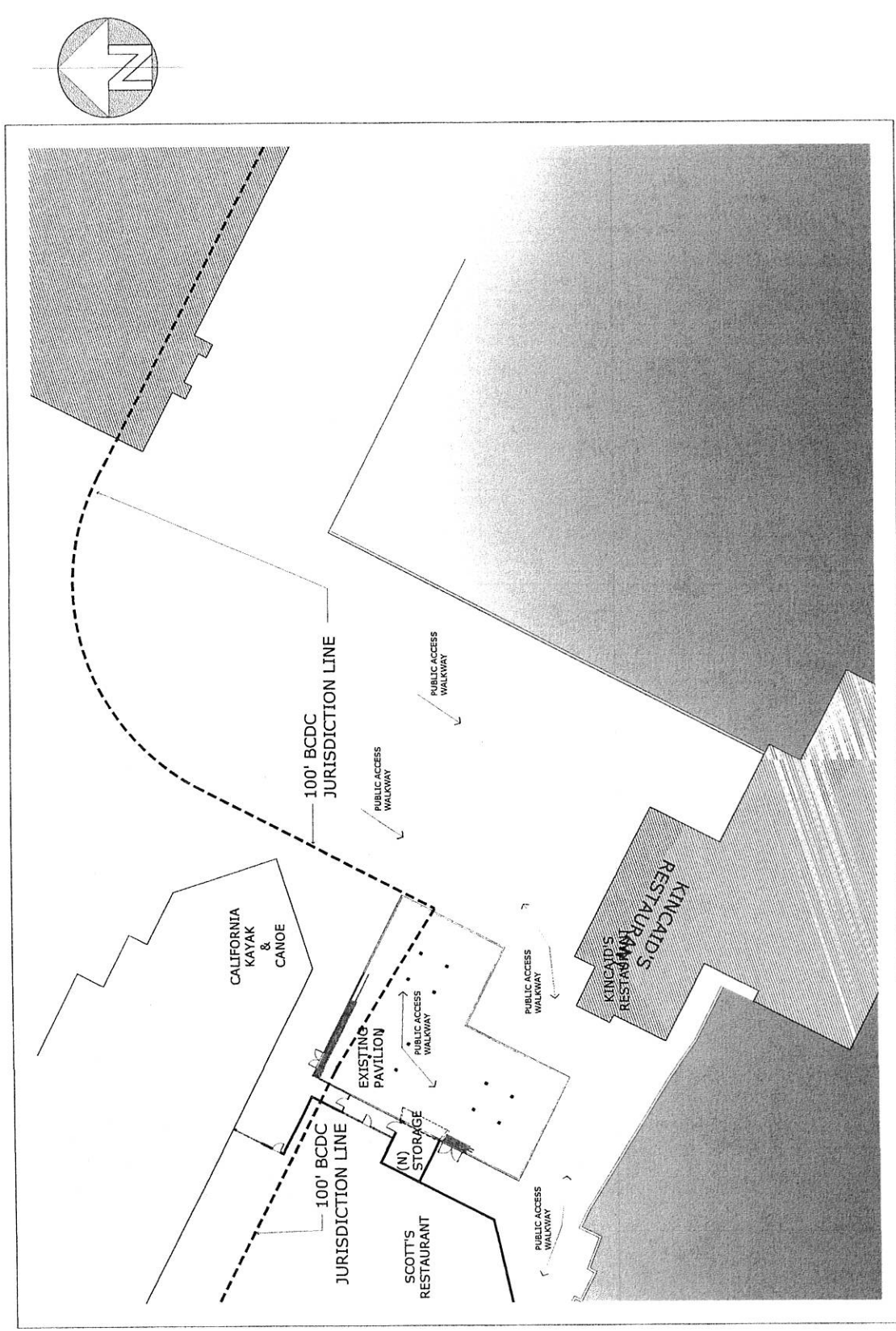
Steve Fagalde, President,
Scott's Seafood Restaurants

Drawn by:

Juan Rubio
RUBIO BOWDEN DESIGN



VICINITY MAP



PUBLIC ACCESS AND OPEN SPACE PLAN
scale: 1/16" = 1'-0"

WITH PANELS IN PRIVATE USE POSITION

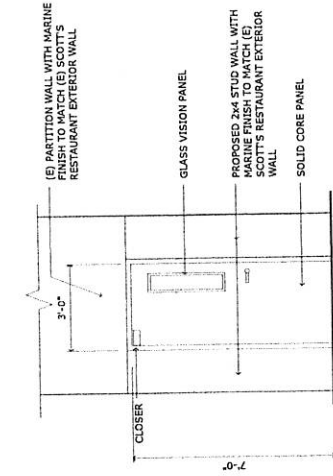
PAVILION JACK LONDON SQUARE

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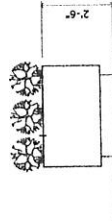
STORAGE
FLOOR PLAN
SECTION
ELEVATION

SHEET NUMBER

A.2

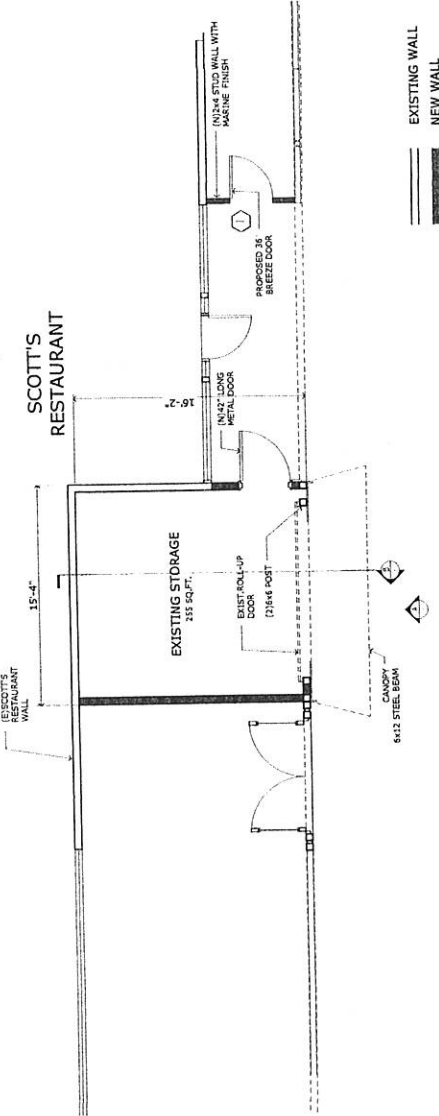


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DOOR



PLANTER BOX

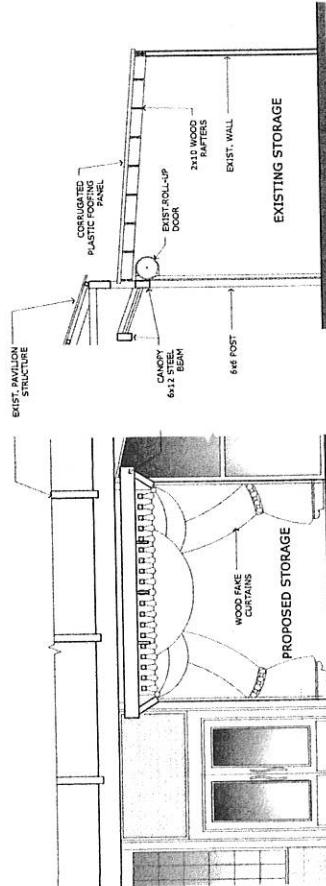
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EXISTING WALL
NEW WALL

ENLARGED STORAGE AREA FLOOR PLAN

SCALE: 1/8" = 1'-0"



A WEST WALL INTERIOR ELEVATION
WITH PANELS IN PRIVATE EVENT USE

SCALE: 1/8" = 1'-0"

B STORAGE SECTION
WITH PANELS IN PRIVATE EVENT USE

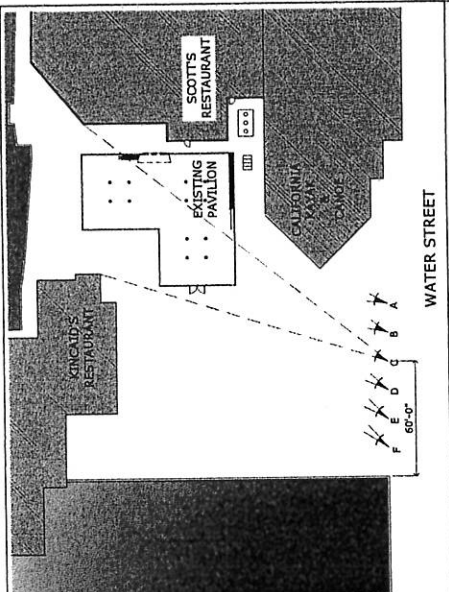
SCALE: 1/8" = 1'-0"

PAVILION

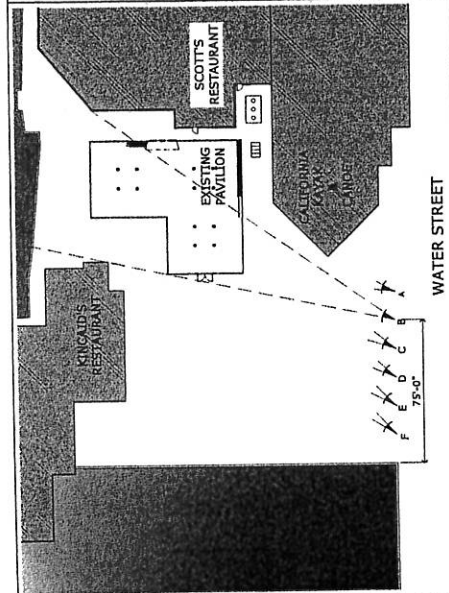
JACK LONDON SQUARE

JOB N° : 00132	REVISED
DATE : 07/24/2013	BY :
DATE :	BY :

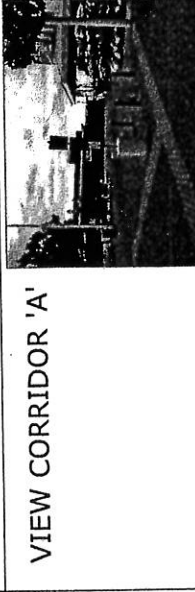
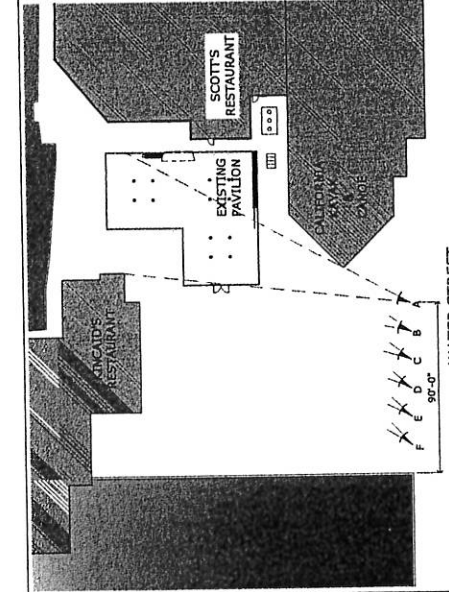
VIEW CORRIDOR PLAN



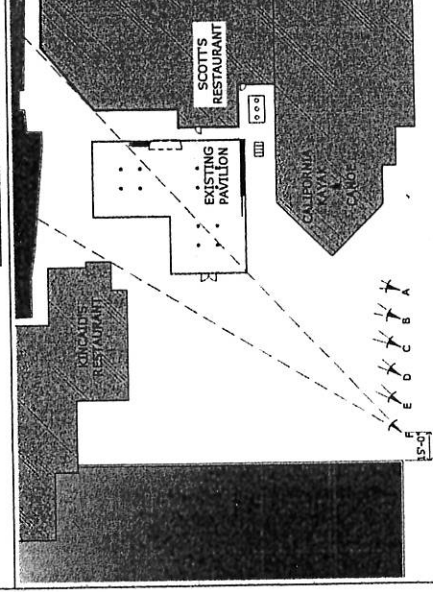
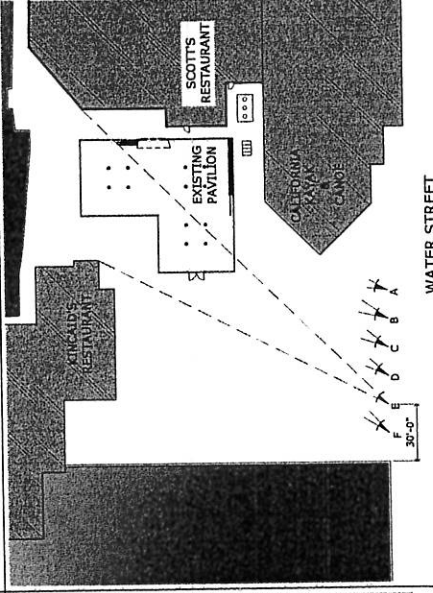
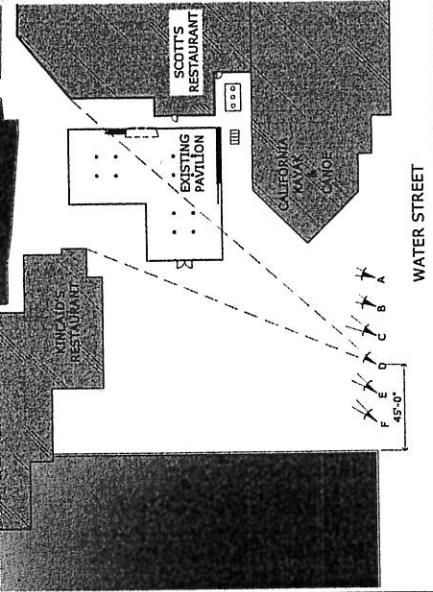
VIEW CORRIDOR 'A'



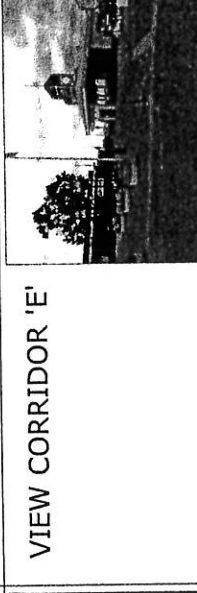
VIEW CORRIDOR 'B'



VIEW CORRIDOR 'C'



VIEW CORRIDOR 'D'



VIEW CORRIDOR 'E'



VIEW CORRIDOR 'F'

PUBLIC PAVILION

Jack London Square
Oakland, California

SCOPE OF WORK:

Proposed storage, breeze door
and planter boxes



INDEX:

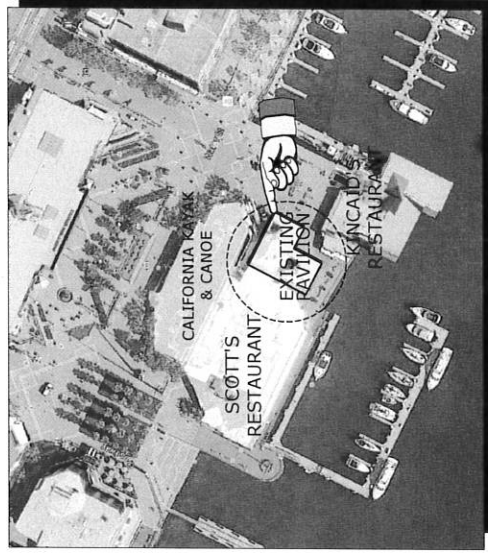
- A.0.1 VICINITY MAP
- A.0.2 PUBLIC ACCESS AND OPEN SPACE PLAN
- A.2 FLOOR PLAN
- ELEVATIONS
- SECTION
- DOOR SCHEDULE
- A.3 VIEW CORRIDOR PLAN

Presented by:

Steven Hanson, Consultant,
Scott's Seafood Restaurants
Steve Fagalde, President,
Scott's Seafood Restaurants

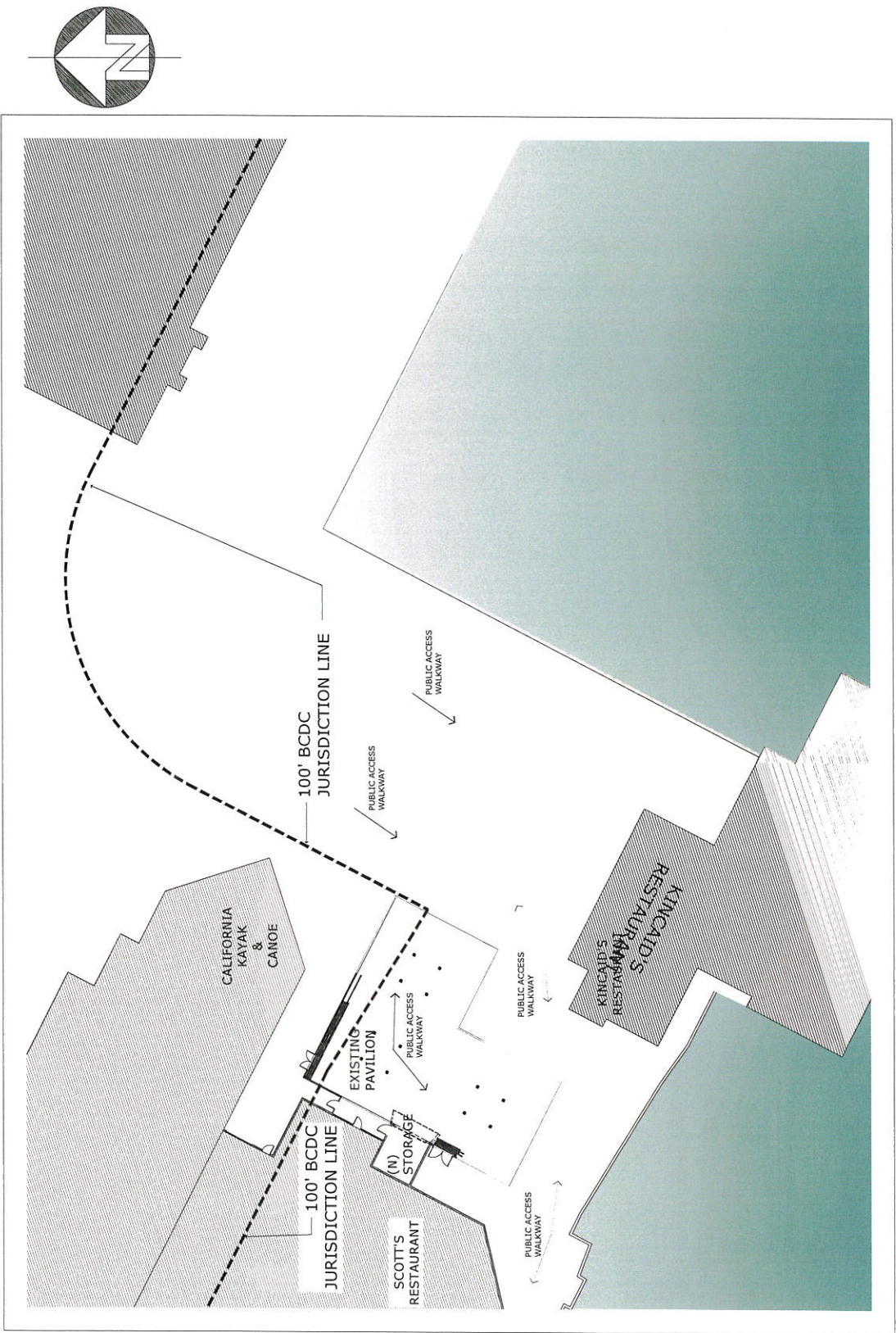
Drawn by:

Juan Rubio
RUBIO BOWDEN DESIGN



VICINITY MAP

PUBLIC ACCESS AND OPEN SPACE PLAN
 scale: 1/16" = 1'-0"



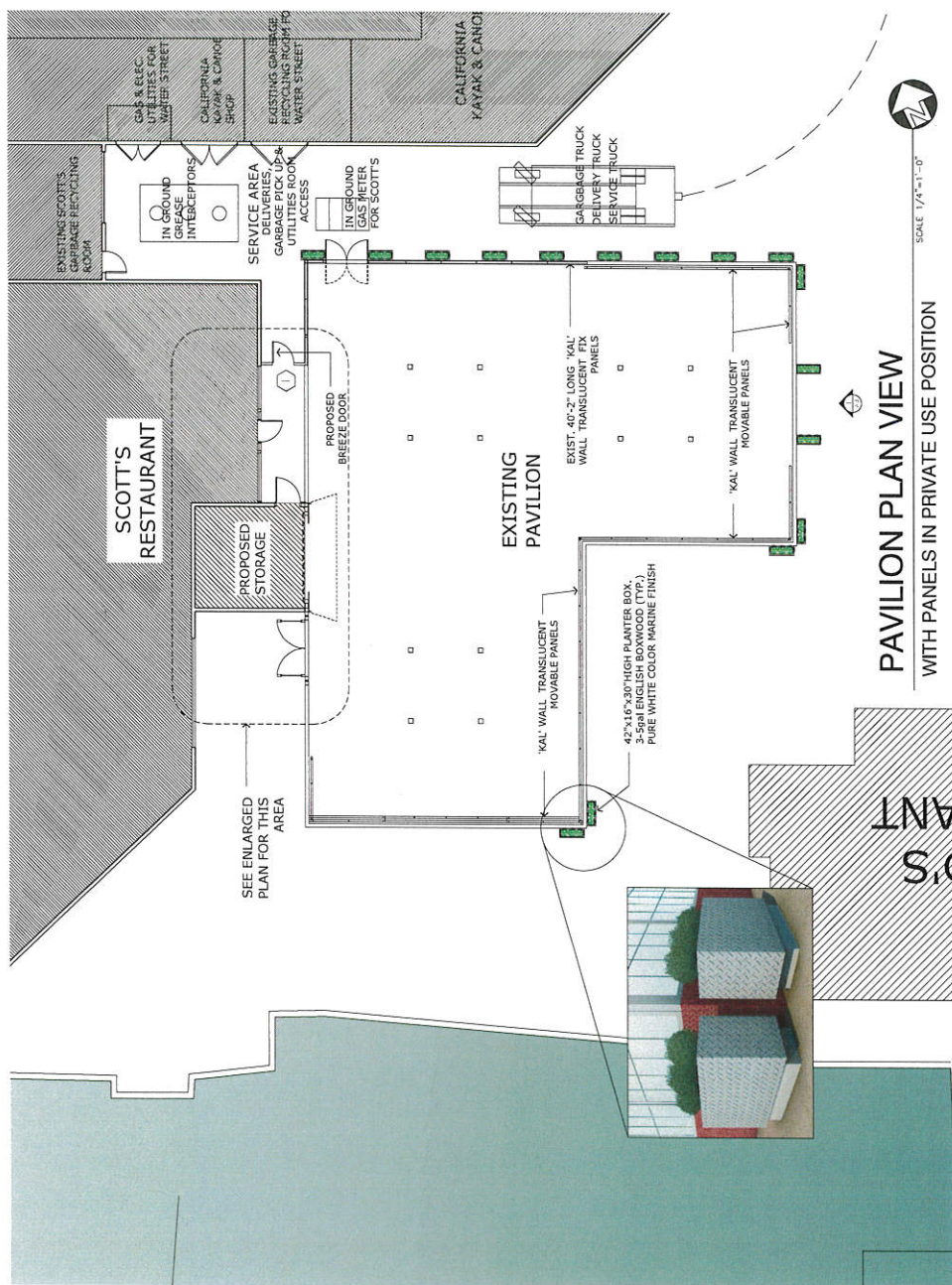
PAVILION JACK LONDON SQUARE

JOB NO.	00157
DATE	07/24/2013
REVISIONS	
BY	
DATE	

PLAN VIEW
PAVILION
WITH PANELS IN
PRIVATE USE
POSITION

SCALE: 1/4" = 1'-0"

A.1



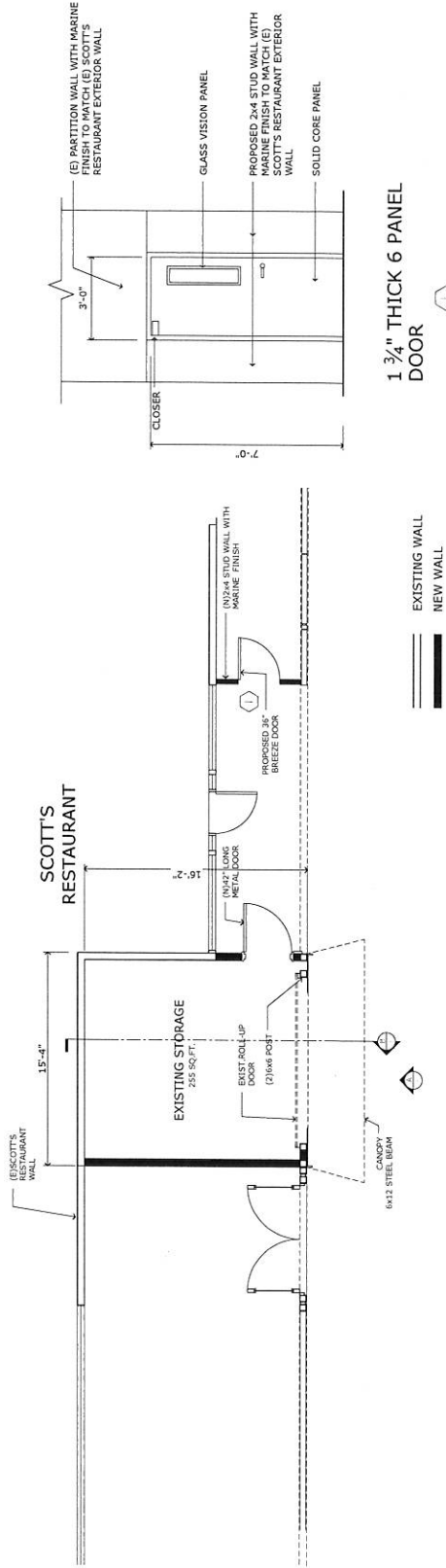
PAVILION JACK LONDON SQUARE

JOB NO.	08103
DATE	07/14/2013
BY	WAT/COO
CHECKED	
DATE	
BY	

STORAGE
FLOOR PLAN
SECTION
ELEVATION

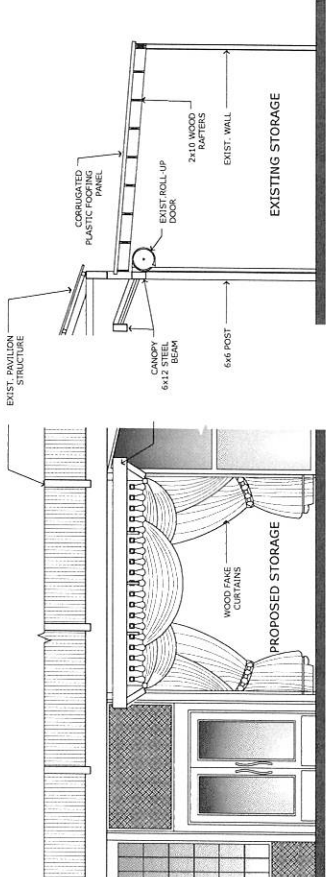
SHEET NUMBER:
A.2

SCALE: 1/4" = 1'-0"



ENLARGED STORAGE AREA FLOOR PLAN

SCALE 1/4" = 1'-0"

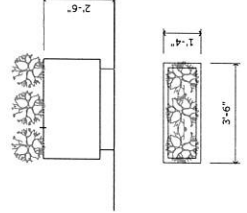


A WEST WALL INTERIOR ELEVATION
WITH PANELS IN PRIVATE EVENT USE

SCALE 1/4" = 1'-0"

B STORAGE SECTION
WITH PANELS IN PRIVATE EVENT USE

SCALE 1/4" = 1'-0"



PLANTER BOX

SCALE 1/2" = 1'-0"

PORT OF OAKLAND - RENTAL BILLING INSTRUCTIONS

RBI # 013308

Bill the following starting: August 1, 2000
ending: July 31, 2001

Lease # P12205
Tenant # 7504
Parcel # 12900A

Billing Address:
Scott's Jack London Square
1719 Bonanza Street
Walnut Creek, CA 94596

Approval: June 16, 1987

Resolution No:

Ordinance No: 2755

RECEIVED
SEP 30 2013
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

PBA1 RR24 F-106 21,045 s.f. \$ 1.17

* 4.5 % of Gross Sales against Minimum Rent
(4th Supplemental Agreement)

Total: \$ 24,522.82

Contact: Michael Stagg
Phone: (510) 444-3456 Rest.

Ray Gallagher
(510) 934-4800

Supersedes
RBI: 013265

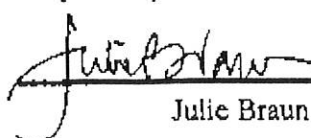
Business Type: REST
Agreement Type: LEAS
Next Action: July 31, 2001
Increase of minimum rent:

Agreement Date: April 9, 1987
Occupancy Date: December 12, 1984
Effective Date: July 16, 1987
Ending Date: August 31, 1941

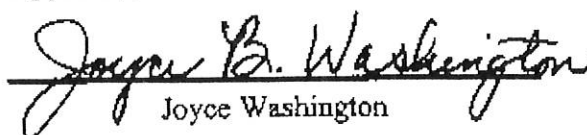
Provides for an increase in the minimum rent under Section 4.1.2 of Lease. Total Minimum Rent plus Percentage Rent paid between August 1, 1999 and July 31, 2000 was \$392,365.04; average = \$32,697.09 X 75% = \$24,522.82. This is more than previous Minimum Rent of \$23,106.19; therefore, the new Minimum Rent will be \$24,522.82.

Delinquent Penalty: 026 \$50.00 + 18.25% DUE ON 1ST, DELQ ON 21ST
% Delinquent Penalty: 051 \$50.00 + 8.25% DUE ON 15TH, DELQ ON 11TH
Utilities: Tenant Pays Utility Company
Performance Deposit: \$ 30,000.00

Prepared by:


Julie Braun

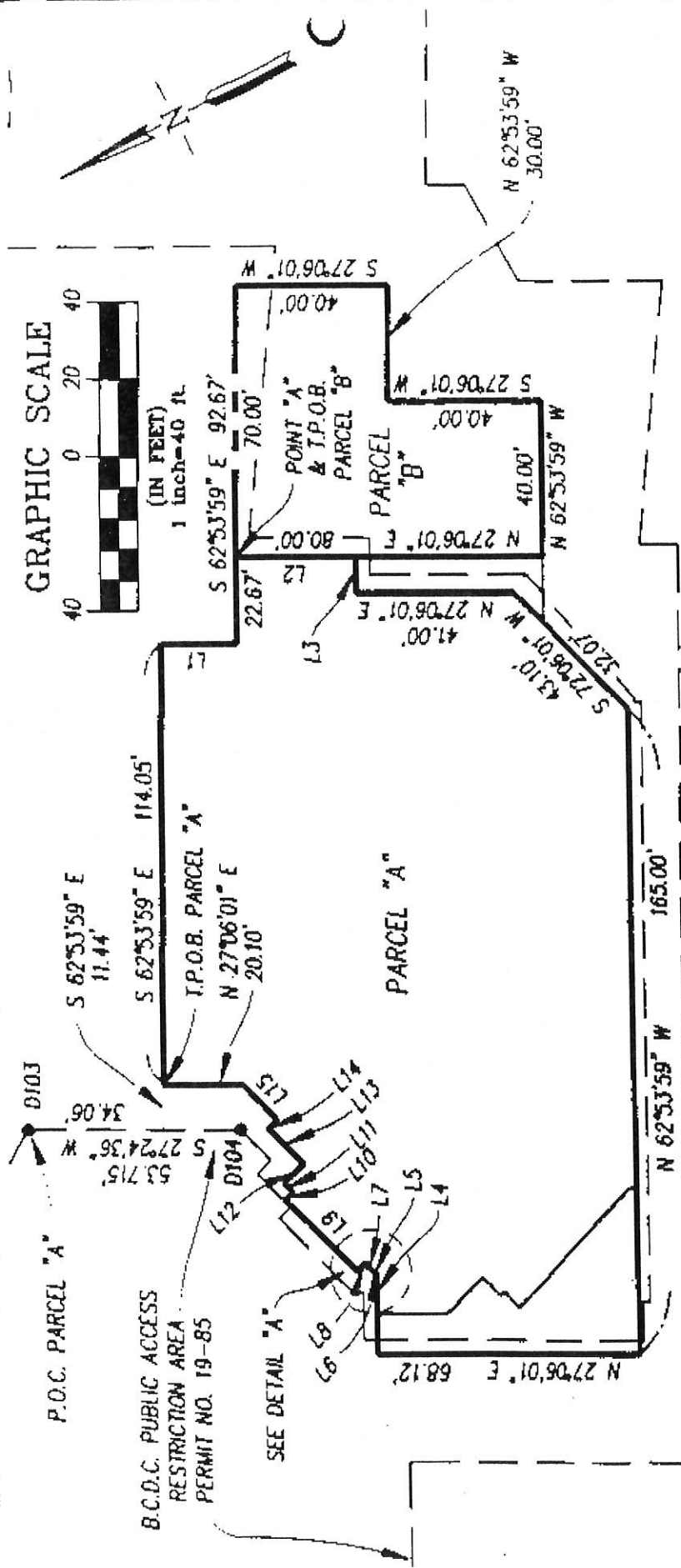
Approved:


Joyce Washington

Date prepared: September 5, 2000

Dist: 2-Finance, 3-CRED, Office Services, EOE, Facilities, Eng. Utilities, Julie Braun

GRAPHIC SCALE



LINE DATA (CONT.)

L8	N 17°53'59" W	2.80'
L9	N 72°06'01" E	25.73'
L10	S 17°53'59" E	2.80'
L11	N 72°06'01" E	3.10'
L12	S 17°53'59" E	7.00'
L13	N 72°06'01" E	12.50'
L14	S 17°53'59" E	3.30'
L15	N 72°06'01" E	12.80'

LINE DATA

LINE	DIRECTION	DIST.
L1	S 27°06'01" W	19.60'
L2	S 27°06'01" W	31.20'
L3	N 62°53'59" W	9.50'
L4	S 62°53'59" E	20.11'
L5	N 72°06'01" E	0.90'
L6	N 17°53'59" W	0.33'
L7	N 72°06'01" E	3.10'

PARCEL AREAS

PARCEL "A" 20,760± SQUARE FEET

PARCEL "B" 4,400± SQUARE FEET

DETAIL "A"
SCALE: 1"=20'



Port of Oakland
530 Water Street
Oakland, California

PLAT TO ACCOMPANY LEGAL DESCRIPTION
SCOTT'S PUBLIC PAVILION

LEASE AREA
LOCATED IN THE PORT OF OAKLAND

SCALE: 1"=40' DRAWN: SHP

DATE: 01/16/96 CHECKED: FAR

JOB NO.: M101681.42

FILE NAME: SCOTT3.DWG

SHEET 1 OF 1

DUPLICATE ORIGINAL

SIXTH SUPPLEMENTAL AGREEMENT

(Lease of Real Property
Located in City of Oakland,
County of Alameda)

Between

PORT OF OAKLAND

And

SCOTT'S JACK LONDON SEAFOOD, INC.,
a Corporation

Dated

November 7, 1995

↓
Scott's

Scott's Jack London Seafood, Inc.
Sixth Supplemental Agreement

1st page only

Subject: Re: Scott's

Date: Monday, November 25, 2013 at 5:02:58 PM Pacific Standard Time

From: Adrienne Klein

To: Peter S. Prows

BCC: Steve Goldbeck, Brad McCrea, John Bowers, Simran Mahal

Dear Peter,

Thanks very much for the update.

We are available to discuss your application filing questions and meet with you and the Port onsite, etc. when you are ready.

I can't help but mention that as of last week, we had had not yet received the executed legal instrument and I am certain we'd both like to see this particular violation resolved.

Happy Thanksgiving to you and yours, too.

Sincerely,

Adrienne

BCDC has moved!

Effective Monday, November 25, 2013, my contact information is:

Adrienne Klein
Chief of Enforcement
SF BCDC
455 Golden Gate Ave., Suite 10600
San Francisco, CA 94102
Direct: (415) 352-3609
Main: (415) 352-3600
Fax: (415) 352-3606

From: "Peter S. Prows" <pprows@briscoelaw.net>

Date: Monday, November 25, 2013 3:50 PM

To: Adrienne Klein <adriennek@bcdcc.ca.gov>

Subject: Scott's

Dear Adrienne,

Thank you for your voicemail message, and I hope the move to your new offices has gone smoothly. I write simply to give you a brief update on our response to your letters of 29 October. Steve Fagalde and I met with Richard Sinkoff of the Port last Thursday. Scott's is working together with the Port to get you the additional information your letters request, and to address the concerns expressed in those letters. I don't yet know exactly how long that will take, but we are working as quickly as possible. I do have a few fairly technical questions that I hope I could meet or speak with you about soon (such as about the appropriate application fee). I also hope that BCDC staff, the Port, and Scott's can get together for a site visit, and then a sit-down meeting, before a formal response to your letters is submitted.

I look forward to talking with you soon. And Happy Thanksgiving to you and the rest of BCDC's staff.

Sincerely,

Peter

Peter Prows
Briscoe Ivester & Bazel LLP
155 Sansome Street, Seventh Floor
San Francisco, CA 94104
415.402.2708 (direct)
415.994.8991 (cell)
415.398.5630 (fax)



Making San Francisco Bay Better

October 29, 2013

Peter Prows
Briscoe Ivester & Bazel LLP
155 Sansome Street, Seventh Floor
San Francisco, California 94104

AND

Richard Sinkoff, Director of Environmental Programs and Planning
Port of Oakland
530 Water Street
Jack London Square
P.O. Box 2064
Oakland, California 94604

SUBJECT: Material Amendment Request for Permanent Outdoor Structures at
Scott's Jack London Seafood Restaurant
[BCDC Permit Application No. 1985.019.011B and
Enforcement Case No. ER2013.008]

Dear Mr. Prows and Mr. Sinkoff:

On September 30, 2013, we received in this office, by hand delivery, a permit amendment application from you on behalf of Scott's Jack London Seafood Restaurant and the Port of Oakland, as co-applicants, requesting after-the-fact authorization to install permanent outdoor structures at Scott's Jack London Seafood Restaurant located at 2 Broadway, in the City of Oakland, County of Alameda. These structures, which would be associated with the private use of the public pavilion include a permanent door and metal doorframe on the east wall of the public pavilion. Our review of the application has determined that it is incomplete pending the submittal of the following items:

1. **Total Project and Site Information.** From reviewing your application, it appears that the proposed project would involve the construction, use and maintenance of a permanent metal doorframe (after-the-fact) and glass-paneled doors on the east wall of the pavilion located in the Commission's 100-foot shoreline band. The application states that the doors are permanent and moveable. We understand this to mean that the permanent doors are "operable" but not "removable." However, please clarify whether or not the doors will be moved to another location when the pavilion is in public use.

The application does not request authorization for the following items shown on the plans and must be revised either to omit them from the plans or to include them as part of the project description, pending confirmation of the location of the shoreline band as described in item 3 below:

- a. The 40-foot-long section of the exterior non-retractable wall on the north side of the pavilion and door, which is already constructed. As you know, we have directed you on numerous occasions to shorten this wall from 40 to 30-feet so that it does not impact views to the Bay. We have also stated that at 30-feet in length, we may approve it through plan review. However, as you now want to retain the as-built length of 40-feet (please

clarify) and install a door in this permanent wall (also as built), it may not be approved through plan review and must instead be considered by the Commission as part of this material amendment. The existing permit authorizes the enclosure of the pavilion with removable canvas panels. Two years ago, when you proposed replacing them with retractable wall panels, we determined the proposal was sufficiently equivalent in design and nature to the existing authorization to enable an in kind replacement through plan review. However, this element of your self-described "design-build" pavilion enclosure exceeds the intent of the existing authorization;

- b. The two, five-foot-long retractable wall panels creating a 40-foot-long wall in its most retractable position interior to the wall described above and already constructed, which we have also directed you on numerous occasions to remove/reconfigure so that they do not impact views to the Bay. If modified to be no longer than 30-feet in their most retractable position, they can be approved by plan review as previously advised. If not, for the reasons described above, they must be considered by the Commission as part of this material amendment;
- c. All of the structures along the western pavilion wall: the exterior pavilion wall south of the storage area, already constructed, and the door that appeared in it for the first time in the drawings reviewed by Ms. Miramontes in her recent letter to you, dated October 18, 2013, not yet constructed; the roll-up door, wood "curtains," and awning that form the east wall of the storage area, already constructed and being used; and the wall(s) north of the storage area, one of which forms the east wall of the proposed breezeway, already constructed; and
- d. The illuminated exit sign near the metal doorframe and entry doors, already installed.

Please verify whether the proposed project has been described in full; if not, please provide any missing details and, if necessary, additional project information as required in Box 2 of the application form. In all cases, identify whether each structure for which you are requesting permission to build and use is constructed and in place or not.

- 2. **Project Plans.** Please revise the plans to either shorten the existing 40-foot-long exterior non-retractable north wall to 30-feet or to make it clear that you are requesting permission to retain them in the as-built configuration. Please make one of the same two revisions to the plans for the interior panels that are 40-feet-long in the open position. Finally, please revise the plans to include all of the walls and structures on the west pavilion wall. In all cases, the plans must distinguish existing authorized, existing unauthorized and proposed structures from each other and distinguish the "A" and "B" permit areas from each other. One full size set of project plans and one reduced size set of project plans (8-1/2" x 11") must be submitted. Additional information may need to be included on the plans depending upon the scope of the proposed project. Once the project description and plan details have been finalized, we will again require multiple sets.

3. **BCDC Jurisdiction.** It appears that you may have incorrectly identified the location of the 100-foot-shoreline band on the drawings you have submitted with your application. Its location is important, as it will determine which portions of the pending request fall within our regulatory jurisdiction. Enclosed are copies of two exhibits from Permit No. 1985.019A that, unfortunately, depict the shoreline band in two different locations. Although the exhibits are inconsistent with each other, they both depict the shoreline band inland of the location depicted on your application plans. We suggest that you work with us to clarify the precise location of the Commission's jurisdiction and then modify the current plans to show the correct location of the shoreline band.

The McAteer-Petris Act provides that the Commission's shoreline band jurisdiction is the 100-foot-wide strip of land located inland and parallel to the mean high tide line. At this vicinity, the mean high water line is 5.67 feet NAVD 1988 datum (using the Oakland Inner Harbor Tidal Station). The shoreline is measured from the location where the Bay water meets the land, which in some areas of the project site will be under the pile-supported structure at the foot of Franklin Street.

4. **Processing Fee.** Thank you for providing an application-processing fee of \$1,400 for a project with a total project cost (TPC) (definition attached) of \$50,000. As appropriate, please revise the total project cost of \$50,000 to reflect the modifications outlined above. Also, for projects resulting from an enforcement action, the regulations state that the application fee will be double the normal fee. Therefore, to enable the continued processing of the application, please submit the requisite difference. The application fee is double \$1,400 if the TPC for this amendment is between \$50,000 and \$100,000, double \$1,800 if it is between \$101,000 and \$200,000, or double \$2,200 if it is between \$201,000 and \$300,000.
5. **Environmental Documentation.** Thank you for informing us that, as part of its review of this project, the City of Oakland will act as the lead agency and, therefore, prepare the necessary environmental documentation, as required under the California Environmental Quality Act (CEQA), in the form of a categorical or statutory exemption, negative declaration, or other certified environmental impact document. When available, please submit the City's determination.
6. **Local Government Approval.** Thank you for informing us that local discretionary approval is required and being sought from the City of Oakland. Please submit the name of the planner with whom you are working and, when available, all the relevant documentation that clearly indicates that you have received all the local government discretionary approvals required for the project.
7. **Public Notice.** Please find enclosed the completed "Notice of Application" which the Commission's regulations require to be posted at or near the project site in a prominent location before a permit application can be filed. Please post the Notice so that it will be visible to the members of the public, complete the form that certifies that you have posted the Notice, and return the form to the Commission's office.

Until the above-mentioned information is submitted and reviewed for adequacy, your application will be held as incomplete.

Other Issues

In addition to the issues cited above, the following matters should be considered in submitting additional materials to us as part of the application process:


1. **Public Access.** As you are aware, the Commission's law and policies require that proposed development provide the maximum feasible public access consistent with the project. The staff would not be able to recommend approval to the Commission for a proposal that does not provide maximum feasible public access consistent with the project.

The proposed project involves constructing a metal entry doorframe and doors on the east wall of the pavilion and permanent walls on the west and north sides of the pavilion, portions of which would be located in a dedicated public access area. We are concerned that these proposed permanent structures may adversely impact the unencumbered nature of the required public access areas. Therefore, please provide more information about the proposed diminution of public space. Please describe why the proposed permanent 40-foot-long wall and panel's interior to it cannot be shorter. Please also describe why the proposed permanent entry doorframe and doors cannot be as temporary like the private events, which are authorized to occur only 20% of the time. Finally, your proposal, which we have determined adversely impacts existing required public access, does not include any new access improvements to offset the adverse impacts of the proposed project. We believe the best approach would be to avoid or minimize the potential public access impacts by modifying the proposal to remove all or some of the proposed structures. Alternately, you may supplement the proposal to include a public access proposal to offset the adverse impacts of the project.

If public access is proposed as a part of your project, please provide a description of the proposed public access area and improvements and include a public access and/or open space exhibit that clearly indicates the area to be dedicated as public access and/or open space. The exhibit must be legible when the exhibit is reduced to 8-1/2" x 11" and include a graphic scale. Public access improvements should be sited and designed, managed and maintained in a manner that is consistent with Commission's relevant San Francisco Bay Plan policies. If your proposal does *not* include new public access, please provide a statement as to why access and associated improvements are not feasible at the project site or why in-lieu public access near the project site is not feasible.

If you have any questions, please do not hesitate to contact me at 415-352-3609 or adriennek@bcdca.gov

Sincerely,



ADRIENNE KLEIN
Chief of Enforcement

AK/ms

Encl.

cc: Steve Fagalde, Scott's Restaurant
Caroline Morris, Ellis Partners LLC
Steve Hanson, Consultant to Scott's Restaurant

BCDC PERMIT APPLICATION NO.
1985.019.011B

Scott's Jack London Seafood Restaurant
and the Port of Oakland, as co-applicants

CERTIFICATION OF POSTING OF NOTICE

Adrienne Klein, Chief of Enforcement
San Francisco Bay Conservation
and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

RE:

Within the Commission's 100-foot shoreline band jurisdiction, replace a canvas pavilion enclosure with a wall panel system that involves the construction, use and maintenance of: (1) A permanent metal doorframe (after-the-fact) and glass-paneled doors on the east wall of the pavilion; (2) A 40-foot-long, non-retractable wall with door on the north side of the pavilion (after-the-fact); (3) Two, five-foot-long retractable wall panels creating a 40-foot-long wall in its most retractable position interior to the wall described in #2 above; (4) On the western pavilion wall, an exterior pavilion wall (after-the-fact) with door south of the storage area, a roll-up door, wood "curtains," and awning that form the east wall of the storage area (after-the-fact), and one or two wall(s) north of the storage area, one of which forms the east wall of the proposed breezeway (after-the-fact); and (5) An illuminated exit sign near the metal doorframe and entry doors (after-the-fact).

(brief description of project)

I,

(name of applicant or agent)

hereby certify that on _____

(date)

I or my agent or employee posted in a prominent location at or near the project site the Notice of Application provided by the San Francisco Bay Conservation and Development Commission.

Date: _____ By: _____
(Signature)

Title: _____
(Title)



Making San Francisco Bay Better

I,

(name of applicant or agent)

hereby certify that on _____
(date)

I or my agent or employee posted in a prominent location at or near the
project site the Notice of Application provided by the San Francisco Bay Conservation
and Development Commission.

Date: _____ By: _____
(Signature)

Title: _____
(Title)



Making San Francisco Bay Better

DATE POSTED: _____

NOTICE OF PERMIT APPLICATION

NOTICE is hereby given that:

Scott's Jack London Seafood Restaurant and the Port of Oakland, as co-applicants,
have applied for a **MATERIAL PERMIT AMENDMENT** to the **SAN FRANCISCO BAY CONSERVATION & DEVELOPMENT COMMISSION** to:

Within the Commission's 100-foot shoreline band jurisdiction, replace a canvas pavilion enclosure with a wall panel system that involves the construction, use and maintenance of: 1. A permanent metal door-frame (after-the-fact) and glass-paneled doors on the east wall of the pavilion; 2. A 40-foot-long, non-retractable wall with door on the north side of the pavilion (after-the-fact); 3. Two, five-foot-long retractable wall panels creating a 40-foot-long wall in its most retractable position interior to the wall described in #2 above; 4. On the western pavilion wall, an exterior pavilion wall (after-the-fact) with door south of the storage area, a roll-up door, wood "curtains," and awning that form the east wall of the storage area (after-the-fact), and one or two wall(s) north of the storage area, one of which forms the east wall of the proposed breezeway (after-the-fact); and 5. An illuminated exit sign near the metal door-frame and entry doors (after-the-fact).

at **THE PROPERTY** known as:

Scott's Jack London Seafood Restaurant located at 2 Broadway, in the City of Oakland, Alameda County.

Comments on the proposed project should be submitted immediately in writing or by contacting the Commission,
Attn: ADRIENNE KLEIN, CHIEF OF ENFORCEMENT, at 415/352-3609
Permit application, any supplementary materials and notice of any hearings related to the above project,
are available for review upon request.



ARCUS
ARCHITECTURE
& PLANNING
115 South Main Street
Oakland, CA 94612
(415) 778-1000
(415) 778-1001
(415) 778-1002

PUBLIC
PAVILION

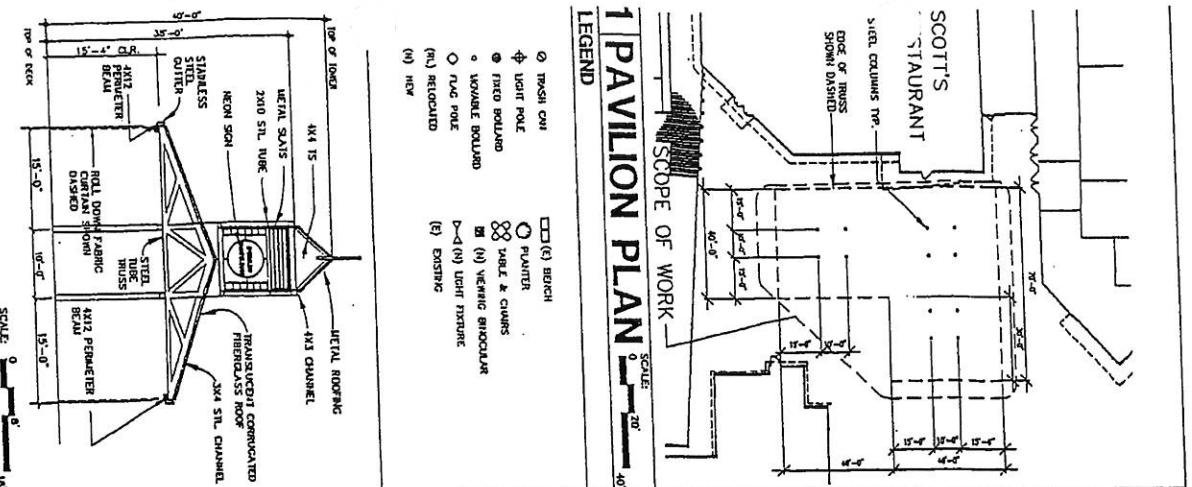
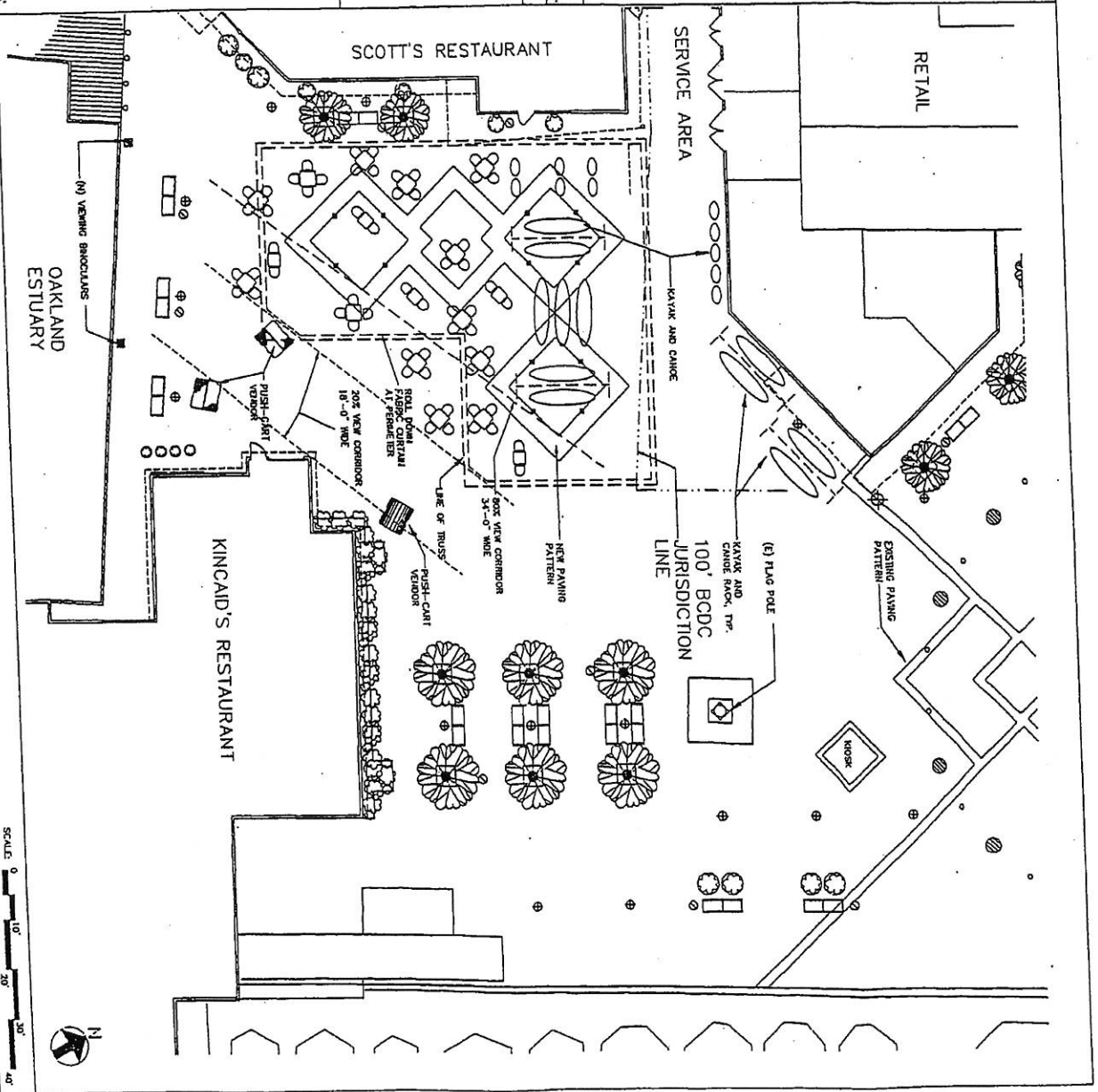
12 BROADWAY
OAKLAND, CALIFORNIA

No.	Revision	By
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2	1/2/75	SK
3	1/2/75	SK
4	1/2/75	SK
5	1/2/75	SK
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62	1/2/75	SK
63	1/2/75	SK
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93	1/2/75	SK
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95	1/2/75	SK
96	1/2/75	SK
97	1/2/75	SK
98	1/2/75	SK
99	1/2/75	SK
100	1/2/75	SK

SITE PLAN
TOWER SECTION &
DIMENSION PLAN

SK-2 of 4 sheets

1/2" = 1' - 0"



LEGEND

- (E) BENCH
- PLANTER
- TABLE & CHAIRS
- (N) VIEWING BINOCULAR
- (N) VIEWING LIGHT FIXTURE
- (N) RELOCATED
- (N) NEW

2 TOWER SECTION

Appendix M

Commission Permit Application Fees

(a) All applicants for a Commission permit, permit amendment or amendment to an application shall submit as part of the application an application fee as identified in the following sections.

(b) The following permit application fees shall be effective until December 31, 2013 or until the Executive Director re-calculates the fees under subsection (c), whichever is later.

Type of Permit Application	Application Fee 2008-2013
Abbreviated Regionwide Permit	\$100
Regionwide Permit	\$100
Time Extension for any permit	\$150
Nonmaterial Amendment To a Minor Permit Other Than a Time Extension With a Total Project Cost (TPC) of:	
—Less than \$5,000	\$100
—\$5,000 to \$50,000	\$150
—\$50,001 to \$100,000	\$200
—\$100,001 to \$600,000	\$300
—\$600,001 to \$100 million	0.05% of TPC
—more than \$100 million	\$100,000
Nonmaterial Amendment To a Major Permit Other Than a Time Extension With a TPC of:	
—Less than \$5,000	\$100
—\$5,000 to \$50,000	\$150
—\$50,001 to \$100,000	\$200
—\$100,001 to \$600,000	\$600
—\$600,001 to \$100 million	0.10% of TPC
—more than \$100 million	\$100,000
Material Amendment to permit	Same as for first time application
Material Amendment to application	75% of original application fee
Emergency Permit	Same as for project as if not an emergency
Minor Permit with a total project cost (TPC) of:	
—Less than \$5,000	\$150
—\$5,000 to \$50,000	\$175
—\$50,001 to \$100,000	\$350
—\$100,001 to \$600,000	\$1,050
—\$600,001 to \$10 million	0.12% of TPC
—\$10,000,001 to \$50 million	\$12,000 or 0.10% of TPC, whichever is greater
—\$50,000,001 to \$100 million	\$50,000 or 0.08% of TPC, whichever is greater
—\$100,000,001 to \$300 million	\$80,000 or 0.06% of TPC, whichever is greater
—\$300,000,001 to \$600 million	\$180,000 or 0.04% of TPC, whichever is greater
—more than \$600 million	\$240,000
Major Permit with a total project cost (TPC) of:	
—Less than \$50,000	\$350
—\$50,000 to \$100,000	\$700
—\$100,001 to \$200,000	\$900
—\$200,001 to \$300,000	\$1,100
—\$300,001 to \$600,000	\$1,200
—\$600,001 to \$10 million	0.20% of TPC
—\$10,000,001 to \$50 million	\$20,000 or 0.17% of TPC, whichever is greater
—\$50,000,001 to \$100 million	\$85,000 or 0.14% of TPC, whichever is greater
—\$100,000,001 to \$300 million	\$140,000 or 0.11% of TPC, whichever is greater
—\$300,000,001 to \$600 million	\$330,000 or 0.08% of TPC, whichever is greater
—more than \$600 million	\$600,000

(c) Calculation of Permit Fees for Subsequent Years.

(1) For each five year period following the effective date of this regulation, commencing in 2013, the Commission will calculate:

(A) the average fiscal year revenue generated from fees collected over the prior five years;

(B) the highest fiscal year total regulatory program costs (TRP) over the prior five years;

(C) twenty percent of the highest TRP ("target revenue").

(2) If the average revenue generated from fees is within five percent of the target revenue, then the Executive Director will not recalculate new fees from the following five years.

(3) If the average revenue generated from fees is more than five percent higher or lower than the target revenue, then the Executive Director will calculate new fees according to the method specified in subparagraph (4).

(4) Calculation Method. If new fees will be calculated pursuant to subparagraph (c)(3), the Executive Director shall use the following method.

(A) No earlier than July 1 and no later than October 1 of 2013 and in five year increments thereafter, the Executive Director shall calculate the fees that will apply to applications received in the following five calendar years.

(B) The fees shall be calculated in the following way:

(i) Divide the target revenue derived from subparagraph (c)(1)(C) by the average revenue generated from fees derived from subparagraph (c)(1)(A). This is the adjustment factor.

(ii) Adjust the permit application fees by multiplying each fee by the adjustment factor.

(5) The "total regulatory program costs" (TRP) shall be based on the amount of revenue appropriated to support the Commission's regulatory program in the Budget Act for that fiscal year. The total regulatory program costs shall be calculated by: (A) identifying the direct costs for employee compensation, contracts, and equipment and facilities that are allocated to the Commission's permit and enforcement activities; (2) adding to the direct costs the indirect costs such as administrative, legal, and other support allocated to the regulatory program; and (3) subtracting any reimbursements, grants, abatements or other income received to support regulatory program activities.

(6) The adjusted fees shall be effective on January 1 of the following calendar year and shall remain effective for five years or until the Executive Director calculates the new fees, whichever is later. All calculated figures shall be rounded up to the nearest dollar.

(d) Total Project Cost.

(1) "Total project cost," means all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project plus the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction.

(2) The total project cost for an amendment to a permit shall consist of only the total project cost of the subject matter of the amendment application.

(3) The Commission shall use the cost stated by the applicant in the application to BCDC to determine the total project cost unless the Executive Director determines that the amount stated does not appear to include the total project or to reflect accurately all project costs.

(4) Whenever the Executive Director determines that the stated project cost does not appear to include the total project cost or to reflect accurately all project costs, he or she shall return the application unfiled and state his or her reasons for concluding that the total project is not included or why the stated cost does not accurately reflect all project costs or the Executive Director shall hold the application unfiled until the applicant verifies the total cost figures by having an estimator selected by the Executive Director and prepaid by the applicant review and certify as complete and accurate all project costs.

(e) Fees for Projects Involving More than One Category. Projects involving two (2) or more categories, (i.e., shoreline construction and filling as part of one (1) project), will not be charged the total of the fees that would be due if each part of the project were considered as a separate application. Rather, the fee is the single amount due under highest fee category into which the project falls.

(f) When Fees are to be Paid. All fees shall be paid before the Commission files a permit application. No fees shall be charged for preliminary inquiries and requests for information prior to the filing of an application.

(g) Refunds.

(1) A \$100 refund of an administrative permit application fee shall be made if the application is withdrawn prior to the mailing of the adminis-



Making San Francisco Bay Better

September 6, 2013

John Briscoe
Briscoe Ivester & Bazel LLP
155 Sansome Street, Seventh Floor
San Francisco, California 94104

AND

Pamela Kershaw, Director of Real Estate
Port of Oakland
530 Water Street
Jack London Square
P.O. Box 2064
Oakland, California 94604-2064

SUBJECT: Violations at Scott's Jack London Seafood Restaurant
(BCDC Permit Nos. 1985.019A and 1985.019B and
Enforcement File No. ER2013.008)

Dear Mr. Briscoe and Ms. Kershaw:

In anticipation of sending this letter, I spoke with Peter Prows on September 5th for a progress report regarding the above-noted enforcement case. While I understand that efforts are underway, you have not resolved seven of eight violations.

This letter summarizes the violations and penalties described to you in the enforcement letter, dated May 16th and the follow-up letter, dated July 18th. As of July 18th, you had resolved only the event reporting violation. As of the date of this letter, seven weeks later, no more violations have been resolved.

On June 4th, Scott's Jack London Seafood Restaurant (Scott's) submitted a draft legal instrument without exhibits to dedicate the public access area and has since submitted one revision in response to staff comments to which staff responded on June 10th. On July 23rd, Scott's submitted a revised draft with exhibits to which staff responded on August 2nd. On August 5th, Scott's submitted a lease and on August 7th, Scott's submitted a third draft of the legal instrument to which staff responded on August 23rd. We look forward to soon receiving and approving a final draft for signature and recordation.

As of September 5th, you had not submitted revised plans for the retractable wall panel system, pursuant to the direction provided by Ellen Miramontes on May 30th. However, pursuant to my call to Mr. Prows, he electronically submitted a set of revised plans and stated that we would soon be receiving a large-scale, print version. You have not removed the unauthorized structures at the pavilion pursuant to the direction provided by BCDC in the 35-day enforcement letter, dated May 16th. Neither have you submitted a revised amendment request to retain the unauthorized structures at the pavilion, pursuant to the direction provided in the 30-day application filing letter, dated May 16th, although by email dated September 3rd,

John Briscoe
Pamela Kershaw
September 6, 2013
Page 2

Douglas Herman, with the Port of Oakland, informed Ms. Miramontes that he and Scott's consultant will soon submit an application. Neither have you submitted plans for the required public access improvements nor installed them pursuant to approved plans.

As of today's date, the standardized fines have accrued to \$41,600 as follows:

1. \$4,800 each for Scott's failure to: (a) obtain staff approval of plans for the pavilion; (b) obtain staff approval of a legal instrument; and (c) install the required public access improvements pursuant to staff approved plans (\$3,000 each through August 19th plus \$100/day for 18 days), which equals \$14,400; and
2. \$6,800 each for the four unauthorized structures (\$5,000 each through August 19th plus \$100/day for 18 days), which equals \$27,200.

Fines will continue to accrue at \$100/day/violation until you have resolved each of the seven pending violations.

In the 35-day enforcement letter, dated May 16th, we informed you that if you did not resolve the violations as outlined therein by July 1st, the staff would commence a formal enforcement proceeding. Until now, we have deferred taking this action to allow you additional time to achieve compliance with your permit and the law. However, we are presently concerned by your lack of progress toward resolving this matter in a timely and thorough fashion. At any time, we may commence a formal enforcement proceeding.

Sincerely,



ADRIENNE KLEIN
Chief of Enforcement

AK/ms

cc: Caroline Morris, Ellis Partners LLC

Subject: Scott's moveable wall system drawings (Permit No. 1985.019BB and Enforcement Case No. ER2013.009)

Date: Thursday, September 5, 2013 3:02:01 PM Pacific Daylight Time

From: Adrienne Klein

To: Peter S. Prows

CC: Ellen Miramontes

Peter,

Thanks for the revised plans entitled "Public Pavilion – New Collapsible, Enclosure Walls For the Public Pavilion," prepared by Rubio Bowden Design and dated 7/24/13.

We look forward to receiving the large scale hard copies and we hope that this set is consistent with the requirements of Scott's permit and Ellen Miramontes' direction in all her correspondence, especially her most recent.

Sincerely,

Adrienne Klein
Chief of Enforcement
SF BCDC
50 California Street, Suite 2600
SF CA 94111
www.bcdc.ca.gov
415-352-3609

From: "Peter S. Prows" <pprows@briscoelaw.net>

Date: Thursday, September 5, 2013 2:35 PM

To: Adrienne Klein <adriennek@bcdd.ca.gov>

Subject: moveable wall system drawings

Adrienne,

Thanks again for the call this morning. Attached is an electronic copy of the revised plan drawings for the moveable wall system. We're having full-size hard copies made for you now.

Subject: RE: Scotts

Date: Tuesday, September 3, 2013 12:29:04 PM Pacific Daylight Time

From: Douglas Herman

To: Ellen Miramontes

CC: adriennek@bcdc.ca.gov, Douglas Herman

Thank you, Ellen.

I don't think it's necessary that we speak by phone at this time. The consultant for Scott's will revise the applications and then we can speak if necessary...thanks

From: Ellen Miramontes [mailto:ellenm@bcdc.ca.gov]

Sent: Tuesday, September 03, 2013 12:13 PM

To: Douglas Herman

Cc: adriennek@bcdc.ca.gov

Subject: Re: Scotts

Doug,

I would just like to confirm then that you no longer wish to speak with us by phone this week? Just let us know and if this is not the case, Adrienne and I are happy to schedule a time with you for a phone conversation.

Regards,

--

Ellen Miramontes

Bay Design Analyst

SF Bay Conservation and Development Commission

50 California Street, Suite 2600

San Francisco, California 94111

415-352-3643

<http://www.bcdc.ca.gov/>

From: Douglas Herman <dherman@portoakland.com>

Date: Tuesday, September 3, 2013 11:54 AM

To: Ellen Miramontes <ellenm@bcdc.ca.gov>

Cc: Adrienne Klein <adriennek@bcdc.ca.gov>, Douglas Herman <dherman@portoakland.com>

Subject: Scotts

Hi Ellen,

Thank you for your voicemail regarding Scott's at Jack London Square. I'm working with Scott's consultant on the Permit Applications and hope to submit to you in the next few days....thanks

Douglas Herman

Environmental Scientist

Port of Oakland

530 Water Street

Oakland, CA 94607
(o) 510- 627-1184
dherman@portoakland.com



Making San Francisco Bay Better

May 30, 2013

Mr. Steve Fagalde and Mr. Steven E. Hanson
Scott's Restaurant
255 Third Street, Suite 102
Oakland, California 94607-4328

SUBJECT: BCDC Permit No. 1985.019.10B; Plan Denial and Response to April 16, 2013 Letter and Attachments; Public Pavilion at Jack London Square, Oakland, California

Dear Mr. Fagalde and Mr. Hanson:

We are writing in response to your April 16, 2013 letter and attachments, which included the documents listed below, and, which were received in our office on April 17, 2013. This letter provides our plan review response only for the retractable wall panel system to enclose the pavilion and does not address your amendment request for the permanent door element, permanent wall structure and planters. Our Chief of Enforcement, Adrienne Klein, sent you a letter on May 16, 2013 addressing these requests.

The letter and attachments have been reviewed pursuant to the authorization and requirements of BCDC Permit No. 1985.019.10B. After careful review, we have determined that the submitted documents include unauthorized features and do not provide sufficient information and are, therefore, **not approved**.

The following submitted documents are the subject of this letter:

- Fifteen 11 x 17 bound plans entitled "Public Pavilion: Jack London Square, Oakland, California," prepared by Juan Rubio of Rubio Bowden Design and dated October 5, 2012. Please note that although these plans are dated the same date as similar plans previously received by our office on October 31, 2012, these current plans reflect revisions and additional information since that date; and
- 11x17 unbound plans with hand drawings of the steel track system entitled "Pavilion Track" and dated August 10, 2012, which we had previously received by email on January 16, 2013. This set of plans also includes seven, previously not received, 11x17 sheets at the end of the set: one entitled "Pavilion Panel Layout" (undated), two entitled "Moveable Panels" (dated July 11, 2012), one entitled "Non-Moveable Fixed Panels A & B" (dated July 11, 2012), one entitled "Pavilion Service Door Frame" (undated), one entitled "Pavilion Waterfront Windows" (undated) and one entitled "Track Detail - Full Scale" (undated).

Although the plans and specifications that you have submitted thus far do include extensive information regarding the construction of the wall panel system, complete information that fully describes it has not been provided. For example, it is very important that the plans clearly indicate the dimensions of the stacked wall panels (width and length) when they are not in use. This information could be shown on Sheet A.2 or elsewhere. In order to prepare an approvable set of plans, it is also important that you remove items from the plans that are not currently authorized including the permanent door element, permanent wall structure and planters. As previously requested in our March 26, 2012, September 12, 2012 and March 14, 2013 letters, and as required by Special Condition II.A of the permit, please submit a complete construction document package for our review and approval, including plans, elevations, sections, details and specifications.

If you have any questions, please don't hesitate to contact me by phone at (415) 352-3643 or by email at ellenm@bcdC.ca.gov.

Sincerely,

ELLEN MIRAMONTES
Bay Design Analyst

EM/gg
cc: Julie Braun, Port of Oakland

Steve Fagalde

5/30/2013

1 Jenny Cushman

Onsite

2 Julie PoA

Meeting at

3 Monique Cushman

Pavilion

4 Larry BCDC

5 Brad BCDC

6 Steve Hanson - Scotts

7 A Klar - BCDC

Scotts Steve Fagalde - history

(4 guys - six hours - to install
existing pts confusing
easier to leave walls in place
now - 15 minutes to retract
everyone's been supportive
process confusing for plan approval
system not bought off of rack
uniquely made. cut, coated, tracks,
panelled.

pa space is btwn two garbage areas.

25K pple/year/private

backdoors of
two restaurants

— Steve says we have 2 quarterly reports
for end of 2012 & beginning of 2013

Julie asks ~~if~~ if public event prevails
over a private event. Brad says "yes"

Think more than 3 months ahead

2013 Events vs. Closures

Make it feel public

Install public furniture + signs

Planters been here 20 years.

Public Safety is a factor

Jack London scene not Scott's scene

synergy + community - Jenny

Steve Hanson - matrix

Where do tables & chairs go when
an event is in place? Brad says
how about use them to protect R.W.P. System

Jenny replaces Mary Ann Starn

Site Visit Preparation Notes

2012 report

182/183 vs 292/73

closed 104 + 78 days = 182 50.5% of time

✓ Provide 1st 1/4 2013 usage / closure. say we have it

✓ When can we expect amt. requests?

✓ Will you remove unauthorized structures?
If so, when? No

✓ events reports for 2008 through 2011

✓ Need plans, legal instrument, tables &
chains (15x4 + 5x2) signs

✓ Penalties accrue during removal plan
review

✓ Signs guidelines

✓ Day 36 is June 21st

✓ Benches / Planters to protect RWPS not
allowed Material amt. needed

Have already not complied w/ 5/16
letter by mis using p.a. area of ports
pt. 8 by holding more events than
73



April 16, 2013

Sent via: US Mail (package)
And via email to those copied

Ellen Miramontes
Bay Design Analyst
San Francisco Bay Conservation and Development Commission (BCDC)
50 California Street, Suite 2600
San Francisco, CA 94111

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Subject: **BCDC Permit NO 1985.019.09B; Plan Review Response to March 14, 2013 Letter and Site Inspection- Public Pavilion**

Dear Ellen;

I have enclosed a time line of our efforts to work with BCDC in order to receive approval of our Public Pavilion modifications in Jack London Square. This time line shows our efforts to continually update our communication with all parties and move forward with the necessary permits.

We are appreciative of the hard work that the BCDC staff does in order to protect the public access to the waterfront and insure that any improvements implemented meet all the requirements of the original mandate that permitted BCDC's establishment as the protector of San Francisco Bay and its shoreline.

We have worked very hard in order to make the Public Pavilion a still better space that can be used effectively by the public as well as for private use and will continue our efforts to assure that the improvements that we are making meet your requirements and are of the highest quality.

As we have indicated, the goals of these improvements are to make the space efficient to use, comfortable and safe for private events and a better public venue. One of our chief goals has been to design a movable wall system that reduces substantially the time period it takes to transform the Pavilion from public to private use and back again. We believe we have accomplished this, but it has not been without considerable effort and expense.

As I have stated in the past, the system is so unique that every component needed to be adapted to the uses we are putting them to, as well, the effort requires considerable trial and error as this is a design-build project. We have, considered and experimented with several different options but the movable walls and the track system are the most adoptable system we could find that will meet all of the multiple objectives we desire.

When staff viewed the project in process at the on-site inspection on March 7, the panels were in the process of being adjusted to comply with the submittals sent to BCDC. We apologize that our original effort did not quite meet the concept in our conceptual plans and we have set forth efforts to address the issues raised in your letter, including permitting the doors to stack within the space so that water views are not impacted when the Pavilion is in public use mode.

April 16, 2013

Our only effort at this point is to complete the process by making adjustments (not new construction) to the movable wall system so that the system is in compliance with the originally approved drawings. These adjustments will be consistent to the extent feasibly possible with the submittals we provided you.

For those items that we feel we must have (for the proper operation and what we view as life safety issue) we are submitting to the staff for consideration of the Design Review Board and/or the Commission a request for an amendment to the permit to allow this permanent structure (and other proposed improvements as required). We feel the door element that we propose is consistent with other architectural elements of the existing structure. We also feel that the new element is as un-obstructive to the views as we can possibly provide without compromising functionality.

We wish to continue to work with staff and submit required documents per the enclosed information so that we can move forward with the productive use of our facility and that the public can have the ability to enjoy this improved facility.

Another change that we would like BCDC and the Port/City to consider is the installation of semi-permanent planters surrounding the outside perimeter of the Pavilion. These planters are consistent with the Pavilion Design and provide protection to the wall system from vehicular traffic (delivery and service trucks) when the Pavilion is in the private operation mode. We feel it is essential to the safe operation of the Pavilion to place these planters with a consistent look and feel around the Pavilion. We also think the planters provide an interesting context by softening the area with a landscape element. They are installed in their proposed location temporarily until approval can be obtained. We will seek modifications to agreements with the Port to permit these planters and wish these to be considered with the design review process.

We look forward to your response and an early meeting with you so that we can progress as necessary and correct or remedy the issues you raise.

We will also be submitting within the next week our proposed operational amendments to the permit, once we have discussions with the Port.

I have resubmitted the renderings and pictures and the technical construction drawings to you for your consideration.

Sincerely,



Steven E. Hanson
Consultant for Scott's

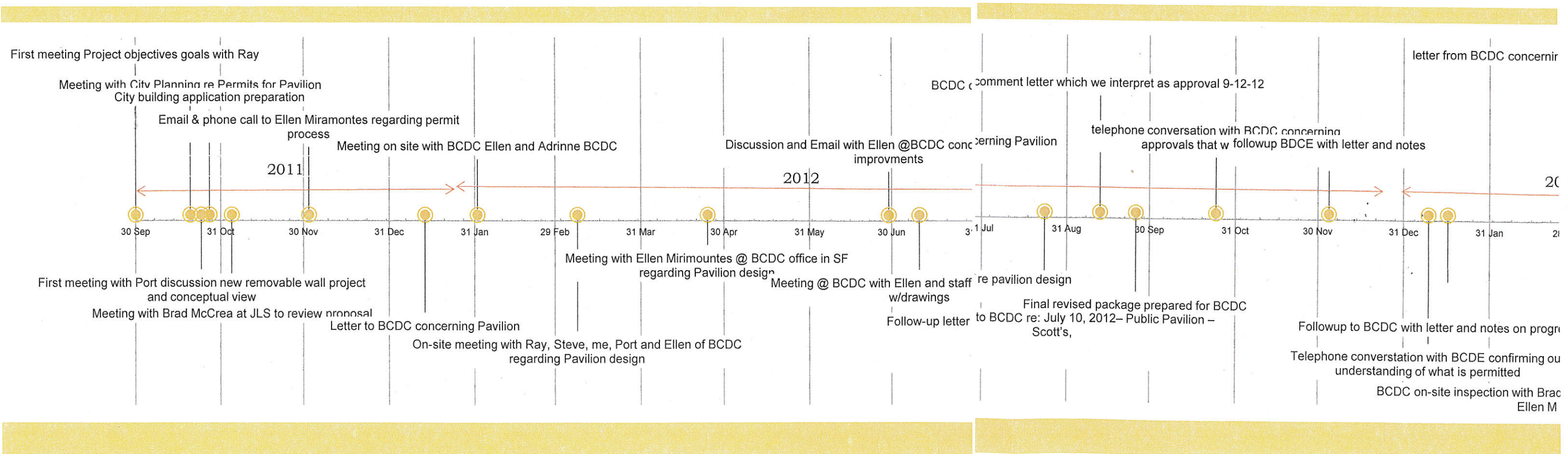
Enclosures

Amendment No.	<u>1985.019.11(B)</u>
Rec'd on	<u>4/17/13</u>
Staff asgnd	<u>Adrienne</u>
Logged on	<u>5/20/13</u>
Fee Paid	<u> </u>
Permit	<u>✓</u>

cc: Brad McCrea, Director, Regulatory Programs - w/o enclosure
Adrienne Kline, Chief of Enforcement - w/o enclosure
Robert Batha, Chief of Permits - w/o enclosure
Julie Braun, Port of Oakland - with enclosure via email
Stephen Fagalde, Scott's

Pavilion Permit Project Time Line - 2011 to 2013 Event Milestones

Pavilion Permit Project Time Line - 2011 to 2013 Event Milestones

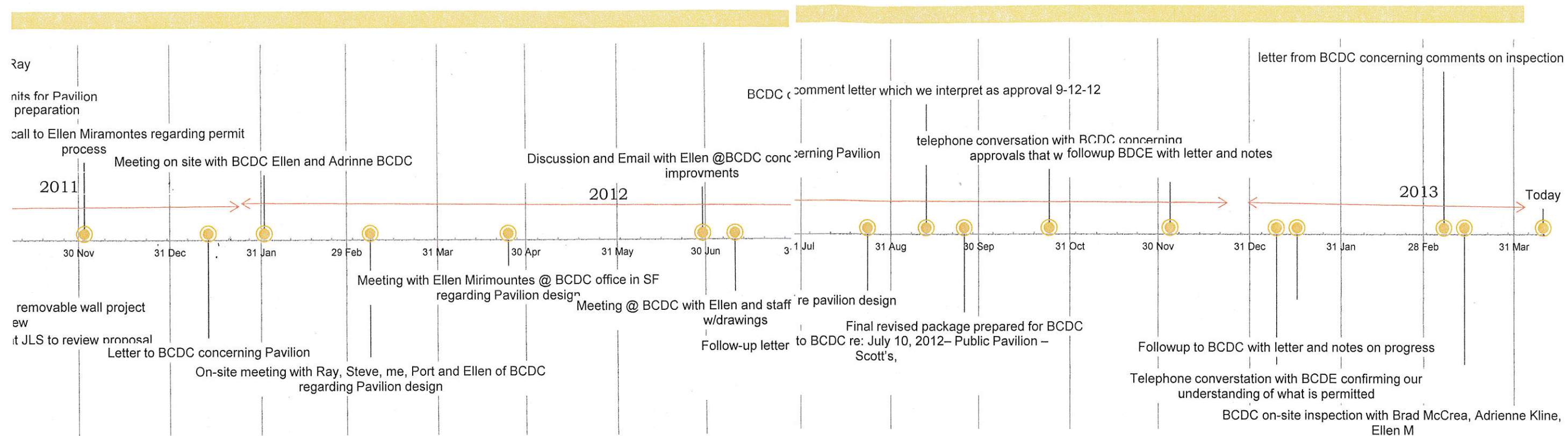


Permit Project Time Line - 2011 to 2013

Event Milestones

Pavilion Permit Project Time Line - 2011 to 2013

Event Milestones





Making San Francisco Bay Better

March 14, 2013

Mr. Steve Fagalde and Mr. Steven E. Hanson
Scott's Restaurant
255 Third Street, Suite 102
Oakland, California 94607-4328

SUBJECT: **BCDC Permit No. 1985.019.09B**; Plan Review Response to January 16, 2013 Letter and Attachments; March 7, 2013 Site Observations; Public Pavilion at Jack London Square, Oakland, California

Dear Mr. Fagalde and Mr. Hanson:

We are writing in response to your January 16, 2013 email, letter and attachments, which included the four documents listed below. This letter will serve as a formal reply to your request for review and approval of these plans, pursuant to Special Condition II.A of the BCDC permit. Although you have stated that there was some confusion regarding the administrative plan review and approval process, you now know that BCDC's review and approval of final plans must be completed prior to commencement of any work. As of the writing of this letter, the pavilion wall system project is nearly complete.

As you are fully aware, there were elements of this proposed wall system that we stated could be approved administratively by plan review, if and when the BCDC staff approved the final construction documents. The permanent door structure, however, was not to be approved in this manner. In fact, we wrote to you and stated repeatedly that this element would be subject to another process, including design review, public hearings and Commission consideration.

Therefore, this letter constitutes plan review for only the moveable wall system, not the permanent door structure that has been constructed at the site. As expressed on our March 7, 2013 site visit, we are very concerned regarding the work that has been constructed so far and will be in contact with you regarding the enforcement action that we may take.

The following submitted documents are the subject of this letter:

- CannonBall HNP Specifications: six 8.5x11 pages with standard specifications.
- Kalwall Standard Wall System: one 8.5x11 page with color images and one 8.5x11 page depicting the Standard Wall System.
- One 8.5x11 page with color photos of site labeled "Public Pavilion with walls stored in storage area and prior to moving to storage area. Pavilion with existing tent wall system."
- Twenty 8.5x11 pages with hand drawings of the steel track system entitled "Pavilion Track" and dated August 10, 2012.

These documents include standard specifications for the track and wall systems and also several pages of the steel track system drawings. The materials have been reviewed pursuant to the authorization and requirements of BCDC Permit No. 1985.019.09B.

Mr. Fagalde and Mr. Hanson
March 14, 2012
Page 2

After careful review, we have determined that the above mentioned documents do not have sufficient information and, therefore, **the wall system cannot be approved at this time**. As requested in our March 26, 2012 and September 12, 2012 letters, and as required by Special Condition II.A of the permit, please submit a complete construction document package for our review and approval, including plans, elevations, sections, details and specifications. These plans should clearly indicate the dimensions of the stacked wall panels (width and length) when they are not in use.

As mentioned above, we understand that you have proceeded with construction of the pavilion walls without final plan review and approval. You have indicated that you believed you had received the approval to proceed through our March 26, 2012, September 12, 2012 and November 20, 2012 letters. In order to physically observe what has been constructed, we met with you at the pavilion on March 7, 2013.

There are four aspects of the work constructed so far that are of concern and that are inconsistent with our discussions and the preliminary plans that you submitted over the past year. These concerns and inconsistencies must be addressed and remedied:

- 1) **Permanent Door Structure Constructed on Eastern Side of Pavilion.** In our letters and conversations during the past 12 months, we consistently stated that this door structure could not be approved administratively through plan review and would require an amendment to the BCDC permit. The permit has not been amended to authorize this door structure nor have you submitted a letter requesting such an amendment for the Commission's consideration.
- 2) **Permanent Wall Constructed at Northwestern Corner of Pavilion.** A stationary and solid wall section has been built at the northwestern corner of the pavilion. In your preliminary plans, a shorter wall section was shown in this area and we had understood that it would be constructed with translucent movable panels.
- 3) **Stacked Panels at Stage Extend Further towards Bay.** The panels in this area extend further towards the Bay than what was depicted on the conceptual plan entitled "Sheet A.2 – Public Pavilion Plan View with Panels in Stored Position", which you had submitted to us on October 28, 2012. The current configuration blocks views to the Bay.
- 4) **Stacked Panels at Service Area Extend Further towards Bay.** The panels in this area extend further towards the Bay than what was depicted on the conceptual plan entitled "Sheet A.2 – Public Pavilion Plan View with Panels in Stored Position." The current configuration blocks open views through the pavilion structure.

If you have any questions, please don't hesitate to contact me by phone at (415) 352-3643 or by email at ellenm@bcdca.gov.

Sincerely,



ELLEN MIRAMONTES
Bay Design Analyst

EM/emc

cc: Julie Braun, Port of Oakland

Subject: Public Pavilion

Date: Sunday, March 3, 2013 5:51:05 PM PT

From: Tammy Borichevsky

To: 'Ellen Miramontes'

CC: 'Julie Braun', 'Margie Turrel'

Ellen,

pls file
in chron
order in pt.

make sure
this is it
already in
#16

I'm sorry we were really busy at the shop and I didn't get your message until it was too late. I will call on Monday. I still don't understand why they have been able to build this and have the walls up all this time and what will it take to stop have them abide by the terms of the permit. This space is suppose to be available for others to use and as I stated in an earlier email that is really not true. Scott's has high jacked public land with no consequences for their actions. This has been going on problem since the permit was first issued. I really don't understand in any stretch of the imagination how this can be happening without any oversight.

- There is no public safety issue the walls should be pushed back today so that we can see exactly what will be in place.
- Today is the farmers market and is a perfect example of public access and views of the bay lost because the walls are up on an empty space.
- There has been a front entry built out of steel that did not exist prior Dec 28, 2012. They had to put in footers so this was major construction. Was this approved by BCDC?
- It was built at night and I'm assuming without a building permit or inspection of any kind. It is brand new construction and currently covered by the old tent walls.
- I'm not sure what you and Julie have been told but as far as I can tell the last letter you wrote was very clear and is being ignored.
- What will the BCDC do regarding the non-compliance of the permit. There is no valid reason or safety issue they should be required to push the walls back **now** when not in use.
- The reason the walls are up to hide the work from the public. This is how they have done it every time they do construction. We have witnessed it for years. We are next door it is hard to miss major construction.
- Basically the permit requirements are being ignored and these are blatant acts of non-compliance.
- What is the property management's responsibility about enforcing permit compliance on this common area/public land?
- What will the Port of Oakland do and what is their responsibility?
- Why does the BCDC have a permit process if it is not being enforced.
- Does the public have any say in the matter?
- This not only impacts the public access but also other businesses at Jack London Square. Just sit on the patio of either Forge or Boca Nova and you can see how the walls block the view.
- I'm not sure what design requirements are for the waterfront but it looks like a School Gym.

Attached see a steel entryway that was built over the last two months and the stage/storage area that was built to my knowledge without approval from BCDC or the Port of Oakland.

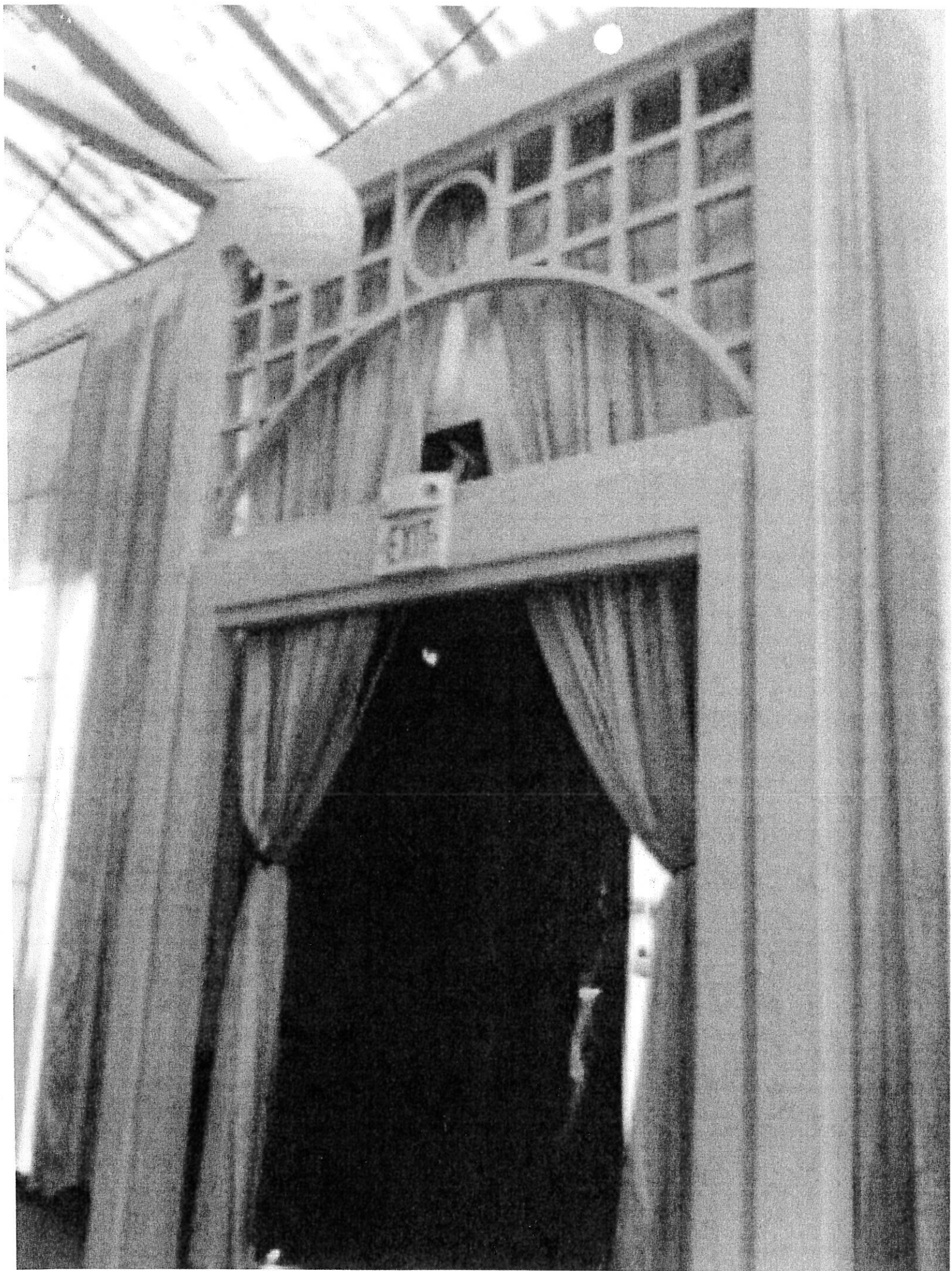
Sunday I took photos of an empty space with the walls still up. Not sure how it could be considered a safety issue there was nothing in the space.

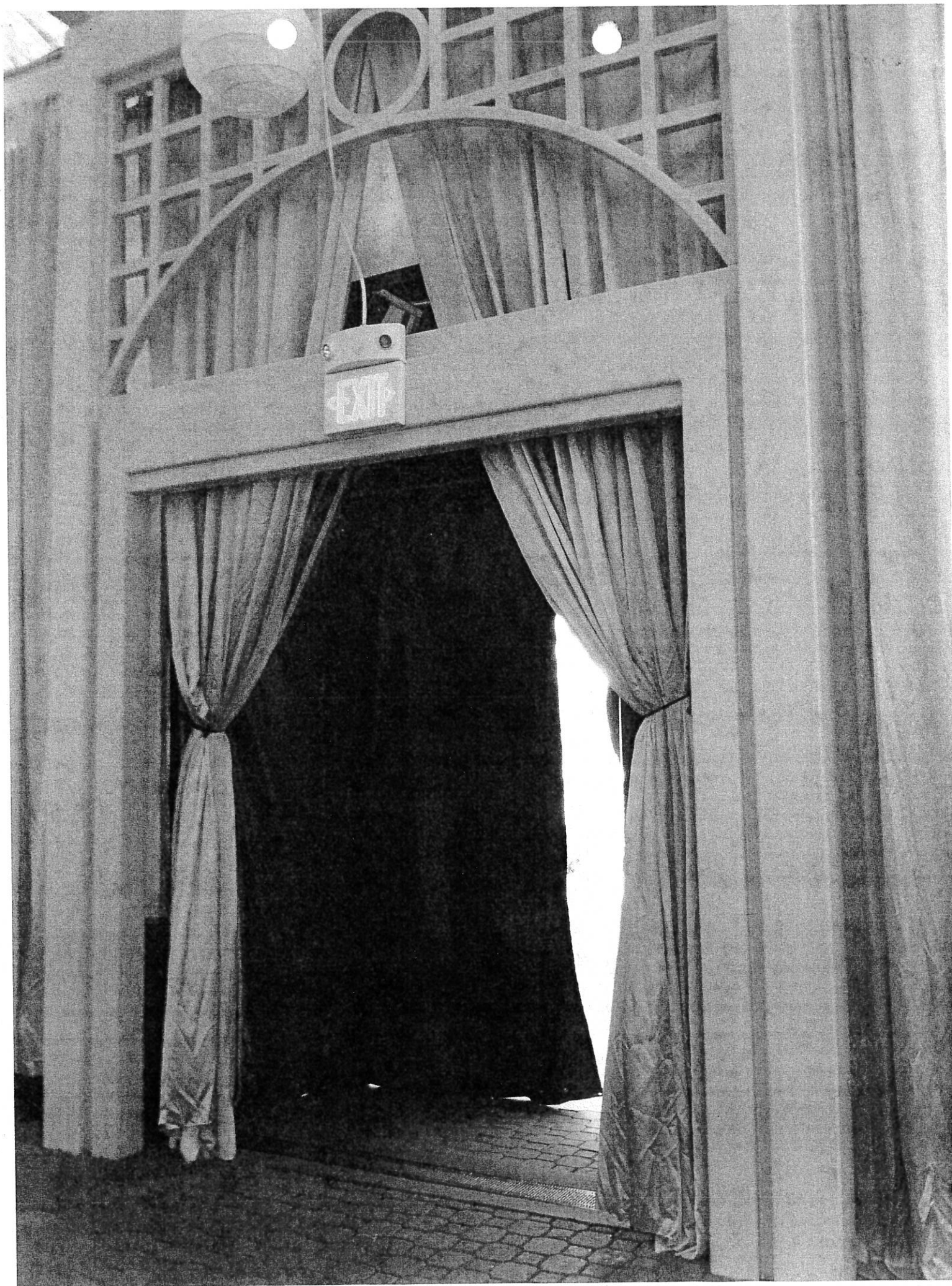
Cc'd Sandra Threlfall of Waterfront Action concerning this matter.

Thank you for your thoughtful consideration of this matter,

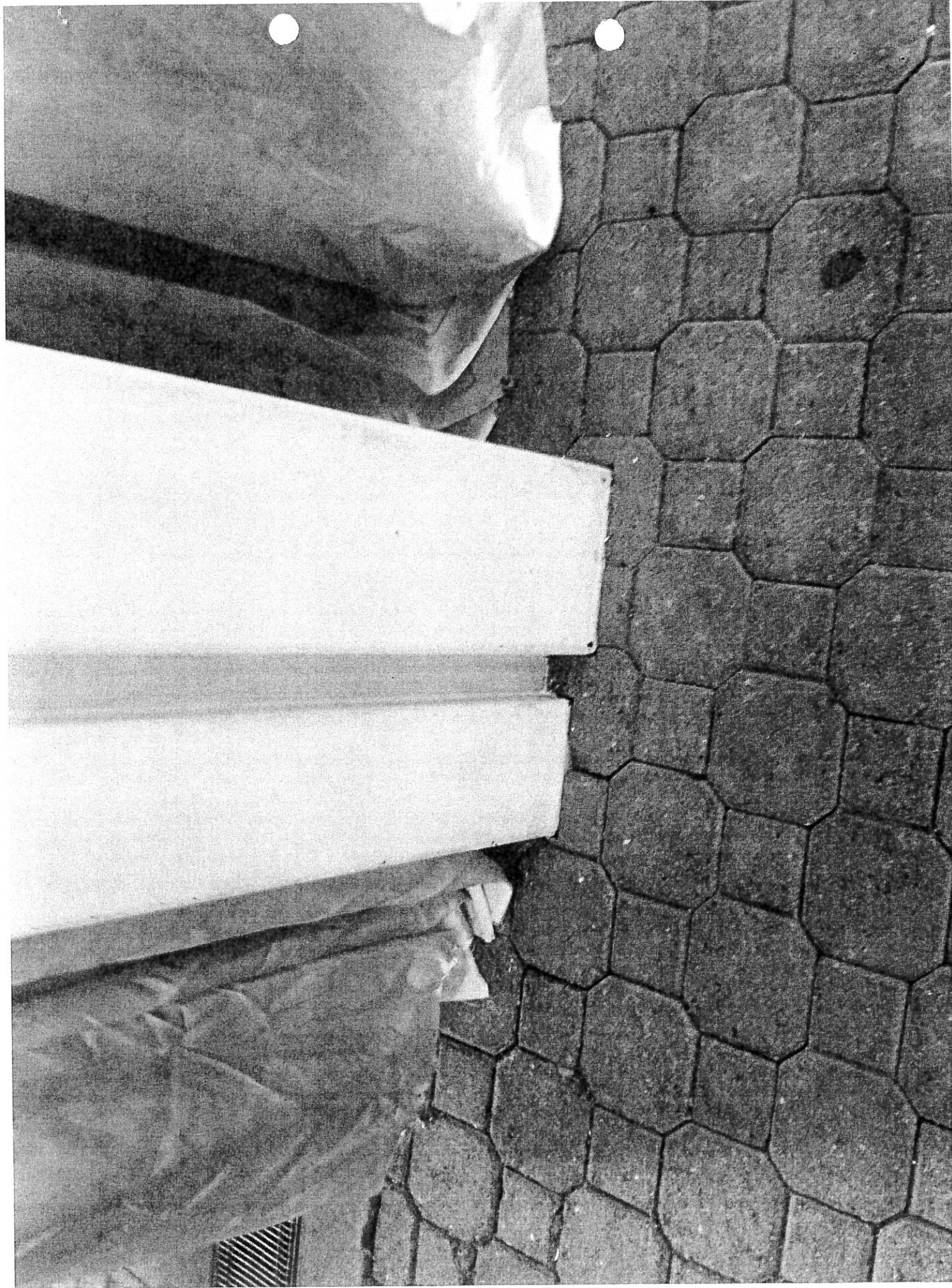
Tammy

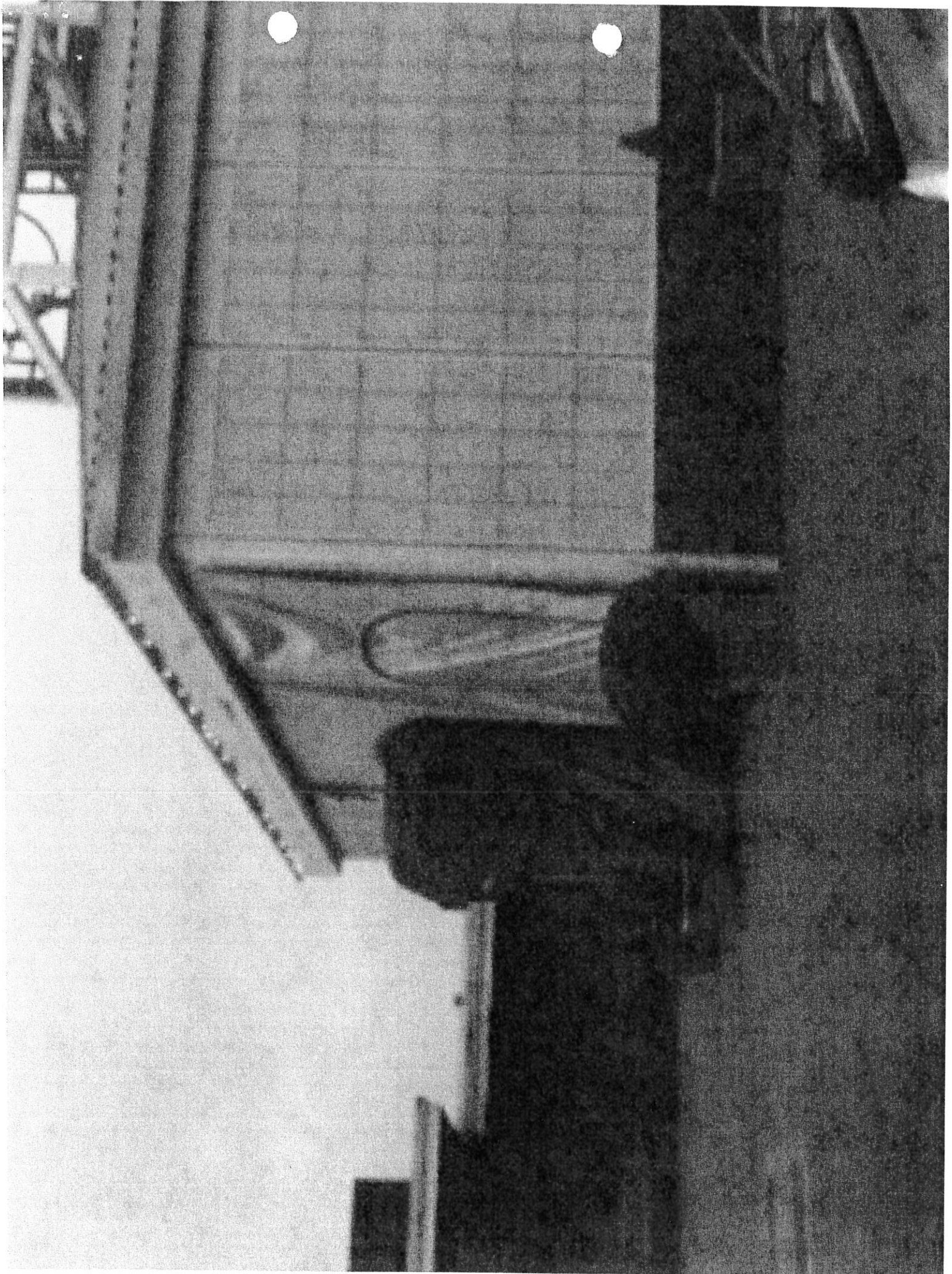
Tammy Borichevsky
California Canoe & Kayak
Purepaddlesports since 1972
409 Water Street
Oakland, CA 94607
510-893-7833 Ext 12
www.calkayak.com











Subject: February 27 2013 letter to ellen Miramontes and staff

Date: Wednesday, February 27, 2013 4:42:38 PM PT

From: Steven E. Hanson

To: 'Ellen Miramontes', 'Brad McCrea', 'Bob Batha', 'Adrienne Klein'

CC: 'Julie Braun', 'Steve Fagalde'

Ellen, In response to our two telephone conversations in the last three days regarding the Pavilion here is our response. I am hoping it is satisfactory, but Steve Fagalde and I are willing to meet with you and your staff anytime and anywhere to address additional questions (or the Port for that matter). I know that the Port is pressing us to move forward some permit amendments and we would like to do that as well in the near future.

Please contact either me or Steve with any questions and additional concerns

Steve Hanson

Thanks

Steve Hanson

hansonsteven@gmail.com

415-314-0172

My website:

<http://sites.google.com/site/hansonstevenwork/>



February 27, 2013

Ellen Miramontes
Bay Design Analyst
San Francisco Bay Conservation and Development Commission (BCDC)
50 California Street, Suite 2600
San Francisco, CA 94111

Subject: **Follow-up on Phone call and Complaints - Public Pavilion Restoration and Renewal**

Dear Ellen;

I am following up on our telephone conversations of both today and of Monday concerning issues you raise with the Public Pavilion restoration and renewal project for Jack London Square.

As we have said, we have appreciated BCDC's roll in allowing us to make the needed upgrades that will make the Pavilion a better facility for both public and private functions. This project was far more complex and complicated than we originally anticipated and required some innovative design-build solutions that will meet all the requirements including the design of the light weight translucent wall panel system that will permit the panels to be rolled in and out of position. The roller systems, were adopted to support large panels and are used in industrial applications where such a system is required. These panels roll on several different tracks to permit the storage of the panels and the proper placement of them when in use. All of the materials needed to be adapted to meet both the needs of BCDC public space access, safety and upgraded private use applications - including meeting the environmental challenges of building and maintenance in the maritime environment. We also acknowledge that the physical condition of the Pavilion had deteriorated over the years as rust and wear and tear were quite evident

We acknowledge that our understanding concerning your comment letter of November 20th, 2012, was that in general if we met the guidelines set forth in your letters that we could proceed. You also acknowledge that such an interpretation was possible. There was considerable lead time as the materials had to be physically ordered and each component of the panels had to be assembled after powder coating was applied (off site), the system once collected needed to be installed on the building. As you pointed out, a more formal approval of the project would have included a time-frame for construction of the improvements. As we noted this time-frame was not included in any of our correspondence, which was an oversight on our part.

As we suggested in our drawings and descriptions, the project was defined as a movable wall system that would be translucent and not adversely affect the public access view corridors when the Pavilion is in Public use. We have attempted to meet all the criteria outline in our discussions. We would also like to look at this project as a total refurbishment of this facility, as the existing structure required

substantial maintenance (that given its use over the years) needed to be done along with the improvements to be made. These efforts have taken additional time, more time than we anticipated.

Because of the work being done to the facility, we have tried to keep it covered up mainly because much of the work is aerial and requires scaffolding and hydraulic lift vehicles, welding, cutting of metal and installation of tracks and panels, painting and the like. This work is not only dangerous to the skilled workers but would be dangerous to the public as well if the facility was left fully open. Also because the movable panels, while on fixed guides, are being installed on a building with an unlevel ground surface, considerable effort is necessary to adjust the height and clearance of these panels so that they will move unobstructed. Each panel in effect is unique and requires delicate attention. There was no way that this project could have been completed without the design build elements and onsite modifications (which would be considered change orders on a normal contract). Given these issues more time was necessary to install the system than we could have predicted. The results however, are first class and will improve the area and the building immeasurably.

We simply believe, that other than electrical work which we may wish to do, we are replacing one tent-type movable wall system with a far superior and safer more ridged and durable movable walls system, therefore, there is no change in use and no structural work requiring further local permits assuming we meet BCDC's mandated public access requirements and addressing BCDC's design comments. As we have discussed in the near future we will request permit amendments that address use and procedures among other issues.

To answer your question about timing, this work is exceeding our cost estimates but it is also exceeding our original time frame estimates of 30 to 45 days. It appears that we will be substantially complete with most of the work by the end of March 2013.

You had a question, also concerning some additional construction adjacent to the Scott's building and as I understand it we are installing a fixed panel (but with wood supports). As in our plans there are some fixed panels but they are not in the public view corridor.

We do believe, that this work will improve the area, make the Pavilion more acceptable in both private and public mode and that this effort will last for many years, once it is completed. We will be happy to meet with you and the BCDC staff as well as the Port staff to address any questions or concerns. Again, we appreciate the communication - and just like you - we want to put this area/facility back into productive use for private and public access as soon as possible.

Sincerely,



Steven E. Hanson
Consultant for Scott's

cc: Brad McCrea, Director, Regulatory Programs
Adrienne Kline, Chief of Enforcement
Robert Batha, Chief of Permits
Julie Braun, Port of Oakland
Stephen Fagalde, Scott's

Subject: Additional Information on Pavilion Construction as promised
Date: Wednesday, January 16, 2013 3:12:27 PM PT
From: Steven E. Hanson
To: 'Ellen Miramontes'
CC: 'Steve Fagalde', 'Julie Braun'

Dear Ellen

As we discussed last week, I am providing to you as requested some additional technical information on the Pavilion plans and specifications with a cover letter. As we have indicated, this was a difficult to design project and had several iterations and evolutions. This was due in part to the unique nature of the application and blending different technologies in our effort to meet concerns and objections as well as meet our aesthetic desires for this project. We obviously are trying to meet the requirements of the existing permit by not disrupting views of the public access area, yet we believe the system will be more attractive, more user friendly and allow us to better maintain the wall system as well as turn the pavilion from private to public use and vice versa in a faster and safer manner.

To meet all these needs, we simply made several trial and error efforts until we found something that met the requirements. So in essence, as I have explained, it has been a design-build project which is why you will not see the typical plans and specifications that you might see for a public works project. But as we indicated we could not do this project without drawings and we have them, aside from the visuals that you already have, we have specifications for the Kal Walls as well as the CannonBall roller system. We also had to make sure it all fit together and thus the need for detailed drawings for the track system and the doors. So there has been considerable effort in meeting these challenges and we wish to express our appreciation to you and your colleges for guidance and input. We think we have resolved these issues and as indicated in the cover letter would like BCDC's permission to install the system as soon as possible.

In this correspondence, I am providing you the information in electronic form and will follow up with the printed package as well via U.S. Mail. Because of the size of some of these files I will have to send this information to you in one or two or potentially three emails so that it will not be rejected by your email system. Please contact me with any questions and concerns.

Thanks again for all you assistance.

I will follow with installation drawings that are scanned in. Thanks!

Thanks
Steve Hanson

hansonsteven@gmail.com

415-314-0172

My website:

<http://sites.google.com/site/hansonstevenwork/>

RECEIVED
JAN 22 2013

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION



Steven E. Hanson
6899 Bristol Drive
Berkeley, CA 94705

January 16, 2013

Sent Via Email and US mail w/attachments

Ellen Miramontes
Bay Design Analyst
SF Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Dear Ellen,

This letter is a follow-up to our telephone conversation last week with respect to the Public Pavilion that is being modified by Scott's Seafood. As we have communicated in writing, Scott's has been moving forward in assembling panels for the Pavilion. We have provided at your request, copies of the working drawings, in addition to the visual presentation (which we provided in October 2012). As we discussed the replacement of the wall system is a design-build project, this design-build effort has evolved over the last year mostly as a result of our back and forth communication over what would be an acceptable solution to replacing the cloth wall system that has been in use for more than 15 years. Meeting BCDC's obligation to assure that the public access would not be further encumbered with the replacement wall system required a creative and adaptive design effort which included trial and error and research into various systems meeting the objectives of the multi-use nature of the Pavilion. These design objectives included the following:

Light weight, fully stackable movable panels that would not interfere with the existing views, , heat retaining/insulating nature, natural light emitting, attractive design, reduction of turn-around time, cost effective, long lasting, durable and safe.

All of these efforts have resulted in our need to build several different mock-ups and trial and error-systems. Because of the complexity of meeting all the objectives, it was necessary for us to develop plans on a design-build basis using available manufactured components that were pre-engineered for purposes for which the components are used and then assembled to meet the needs of our wall system.

I have, therefore, provided the working design-build drawings for your review and records. I have provided them as electronic PDF files as well as will provide paper copies to you and your agency via US mail.

I hope this answers your issues with respect to finding fully developed plans and specifications. We are sure that the manufactured components of our wall system exceed all the tolerances to which these components are put to use. The trolley system for example are designed to support industrial wall systems that are more than five times the weight of our light-weight wall system which incorporates all aluminum components.

I have also attached in the electronic version of this letter, pictures of the pavilion and the assembled panels currently stored and out of the way of the public area.

Moving forward, the panels are generally assembled and we are ready to begin mounting the track system used to support the track system and therefore the walls.

As we have indicated in the past, generally we believe that the issues involved in "changing out" the wall system is not in conflict with our current permit for the structure and that the new wall system will permit us to provide faster turn-around time between events. In addition, the visual presentation of the Pavilion in private-use will be far better than the existing system. Our efforts will also facilitate the much needed painting and other minor maintenance improvements to the existing structure can be carried out within the confines of the existing permit.

We therefore, request that based on the information I am providing, that you provide us with your approval to move forward with installation of the assembled panels into a roller tack system to be mounted on the inside of the tubular steel structural fascia of the building's edge as shown in the presentation drawings.

In our other matters, I appreciate being provided with the base BCDC permit 19-85(B) as amended, so that we can highlight our requested changes and I will be providing a "track-changes" version of that within the next several days after consulting with Port staff.

Thanks again for all your time on this important effort we are undertaking.

Sincerely,



Steven E. Hanson
Consultant for Scott's Restaurant

cc: Stephen Fagalde
Julie Braun

Attachments provided as follows -(electronically and via US Mail) :
Design Build-Drawings (Panel detail, Panel Layout, Track Layout, track mounting)
Specifications of Kalwall systems (PDF)
Specifications of CannonBall Roller Track System (PDF)
Existing Pavilion with stored panels -Pictures



SPECIFICATIONS

CB-3

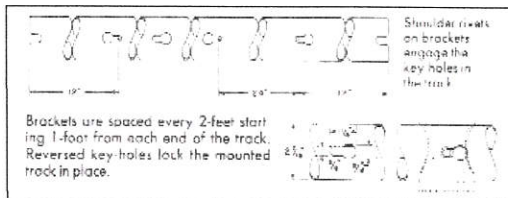
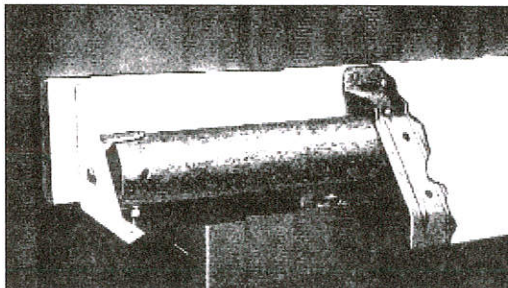
BRACKETRACK AND KEY-HOLE SLIDING DOOR TRACK SYSTEMS

Self-cleaning, self-aligning! Track retains all these unmatched CannonBall advantages, plus the lifetime guarantee, that builders have preferred for over fifty years.

Matches trim on colored buildings! Track Cover comes in white enamel finish to match the trim on colored buildings.

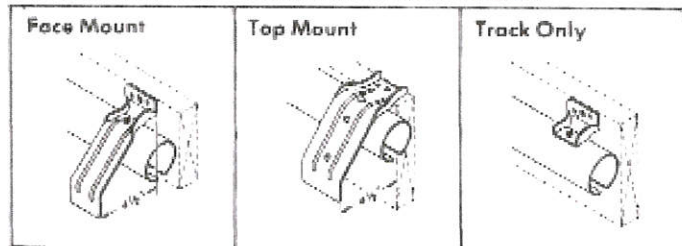
Saves builder's time! Key-Hole Track is easy and fast to install. Shoulder rivets on mounting brackets are simply tapped into slotted key-holes on the track. Bracketrack brackets are pre-riveted on at factory. Mounting brackets are then quickly nailed to the track plank.

Saves builder's inventory! Key-Hole Track is completely interchangeable with all Standard CannonBall Brackets for by-passing, etc. installations. One stock of track handles all applications, inside or outside.



ITEM	KEY-HOLE	ONE-PIECE BRACKETRACK
Track Material:	14 ga. galv. steel	1 4 ga. galv. steel
Lengths available:	6'-20' in 2' increments	6'-20' in 2' increments
Weight per lineal foot:	2.0 lbs.	2.1 lbs.
Maximum door leaf weight with single truck trolley hangers:	400 lbs.	400 lbs.
Maximum door leaf weight with double truck trolley hangers:	600 lbs.	600 lbs.
Mounting Brackets:		
Top mounted track & cover:	646519	attached
Face mounted track & cover:	646513	attached
Track only:	646512	attached
No. required:	1 every 2' of track	attached
Mounting Nails Recommended:	Galvanized ring shank nails: per — one 20d, 4" x 7 ga. or two 16d, 3-1/4" x 9 ga. or two 10d, 3" x 10 ga. or two 8d, 2-1/2" x 10 ga.	
Cover:		
White Enamel:	28 ga. galv. steel	28 ga. galv. steel
Length:	10'-2"; provides 2" overlap splice every 10'	
Size:	Face mounted brackets for nominal 1" or 2" track plank. Toop mounted bracket for 2" planks only.	
End Trim:	Yes	Yes

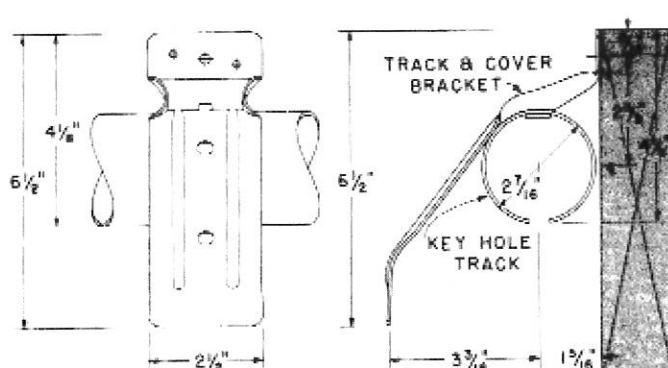
*BRACKETRACK—WHAT A GREAT IDEA!



* Same quality as keyhole track, only brackets are pre-riveted on at factory



Face Mounted Brackets for mounting Track and Cover

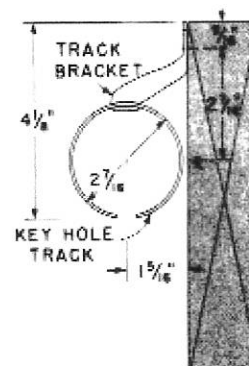
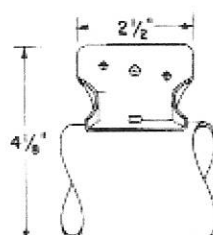


Track and Cover Bracket. For mounting a single run of Track and Cover on a track plank. One required for each 2-feet of track run. Shape of bracket and cover allows plenty of room for both vertical and lateral door adjustment. Galvanized. Packed 50 per carton. (One package handles 100-feet of track). Weight of package 20 lbs.

Scale: $\frac{3}{16}$ " equals 1"

Face Mounted Brackets for mounting Track only

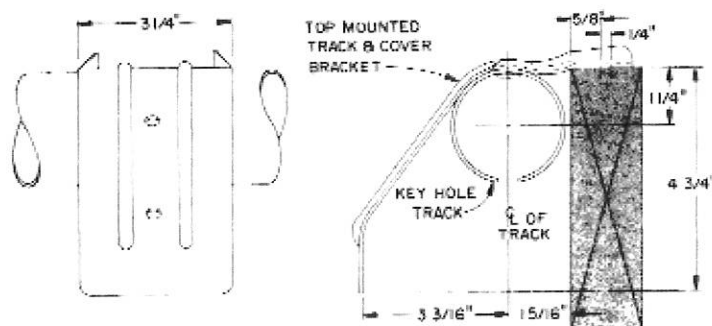
Track Bracket. For mounting a single run of Track (less cover) on a track plank. One required for each 2-feet of track run. Galvanized. Packed 50 per carton (One package handles 100-feet of track). Weight of package 7-1/2 lbs.



Note: 646512 Track Brackets are for use where track cover is not required, such as indoor applications.

Scale: $\frac{3}{16}$ " equals 1"

Top Mounting Brackets for Track and Cover



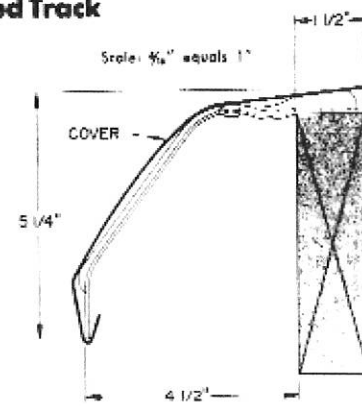
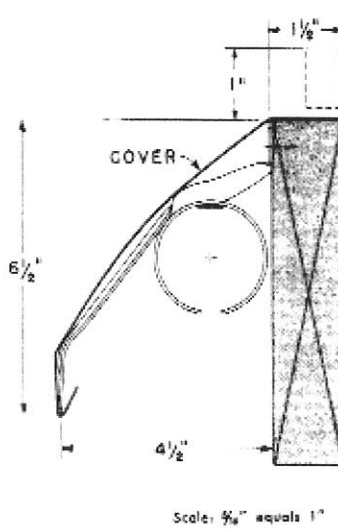
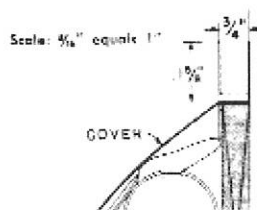
Top Mounted Bracket used with a single run of Track and Cover. Top Mounted on a 2-inch track plank only. One bracket required for each 2 feet of track run. Galvanized. Packed 50 pieces per carton (one package handles 100-feet of track). Weight of package 25 lbs.

Scale: $\frac{3}{16}$ " equals 1"

Covers for Face Mounted and Top Mounted Track

646225 Track Cover (Right)
Shaped to fit nominal 2-inch track plank. Bottom lip hooks over bottom edge of each 646513 Track and Cover Bracket; top edge flashes junction of track plank and siding. Standard length 10 ft. 2 in. White enamel. Packed 20 pieces per carton. Wt./Pc. 8.0 lbs.

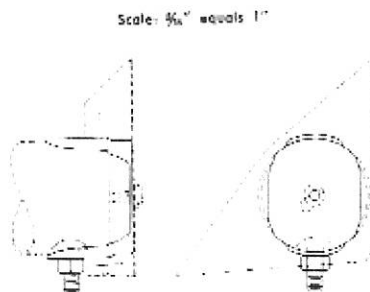
646224 Track Cover. (Below)
Same as 646225 except for nominal 1-inch track plank. White enamel. Wt./Pc. 8.0 lbs.



646226 Top Mounted Track Cover.
(above) Shaped to fit nominal 2 inch track plank only. Bottom lip hooks over bottom edge of 646519. Track and Cover. Top Mounting Bracket. Top edge flashes junction of track plank and siding. Standard length 10 foot 2 inch. White enamel. Packed 20 pieces per carton. Weight 8 lbs. per carton.

Note: White enamel cover has base metal of high-tensile cold rolled steel with galvanized protective coating of 1.25 oz. zinc per square foot. Then, a Bordenite zinc phosphate coating prepares the galvanized surface for tight adhesion of a special formula, oven-cured primer coating. Finish coating is an oven-cured polyester enamel for maximum durability. A final wax coating adds lustre and protects during shipping and storage.

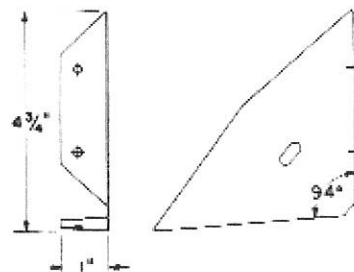
End Caps and End Trim for Top Mounted Track Cover



646514 Track End Cap with bolt and nut.
Galvanized. Two needed per track run. Packed 20 per carton with mounting bolts. Wt. of Pkg. 6 lbs.

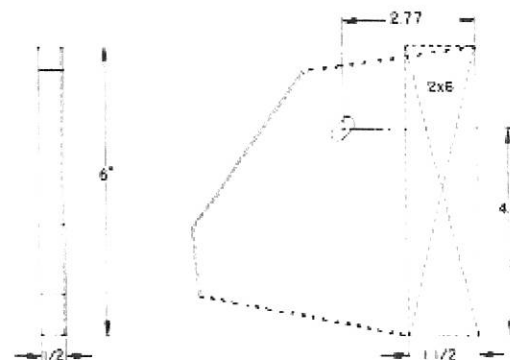
646515 End Trim. Bird proofs the space between the track and cover and serves to finish off the cover ends. Two recommended for each run of track. White enamel. Packed 20 per carton with mounting screws. Weight of package 6 lbs.

Scale: 3/8" equals 1"

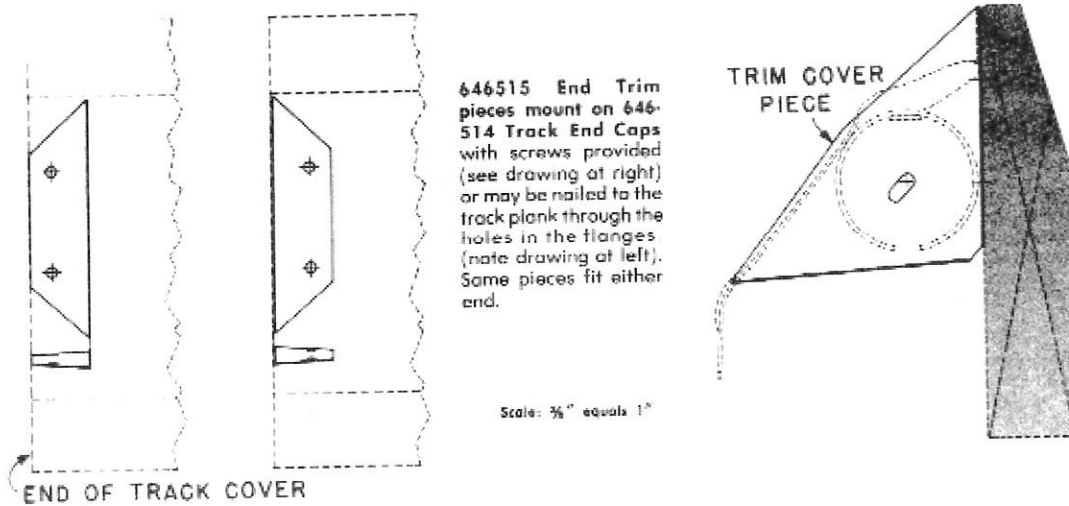


Scale: 3/8" equals 1"

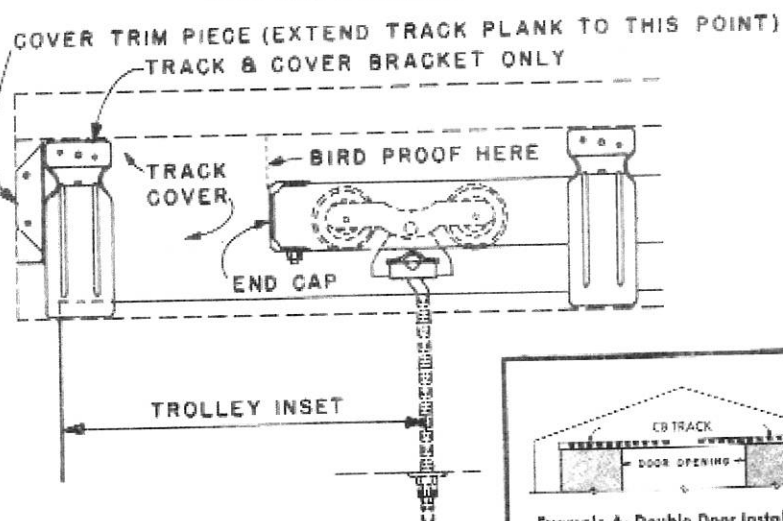
646518 End Trim for Top Mounted Track Cover only. Must be ordered in pairs (one right hand piece and one left hand piece.) White enamel. Packed 10 pair per package. (Enough for 10 runs of track.) Weight 6 lbs. per pair.



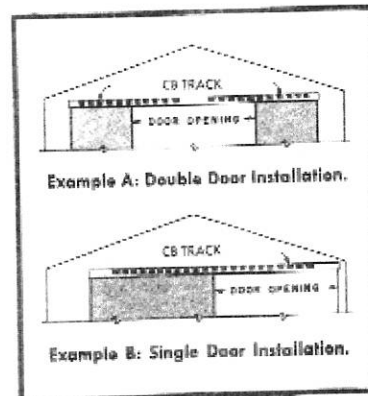
End Trim in place on Track Cover



Cover may run beyond end of track



several feet of Track can be saved on each application by leaving track only where trolleys will run. Then, by permitting cover to extend beyond the track to the extremes of the door movement when in the open position, door tops are finished and a completely finished appearance is achieved. Details in drawing and examples above. The extent to which trolleys may be inset varies with the door leaf shape. They may be inset most on a wide, low leaf.

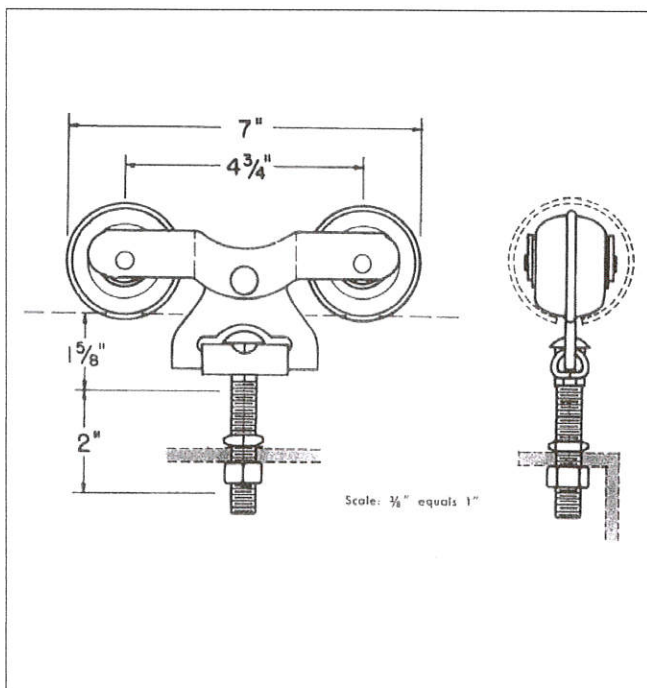


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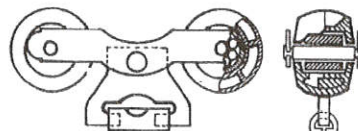
SPECIFICATIONS

CB-8

DELIRIN & STEEL SINGLE-TRUCK, ADJUSTABLE TROLLEY HANGERS FOR USE WITH METAL FRAME DOORS



NEW DELRIN TROLLEY



Quiet-running, corrosive-resistant DuPont Delrin, combined with the easy-running, long-lasting benefits of CannonBall needle-bearing design. Lower friction. Available in **all** popular CannonBall trolley systems.

- Never use more than 1 pair per door leaf.
- Finish: - galvanized.
- Packed 20 single trolleys per carton.
- Weight 2 pounds each.

Door Thickness: Variable

Door Leaf Weight Steel: Up to 400 lbs. per pair with 13- or 14-gauge track

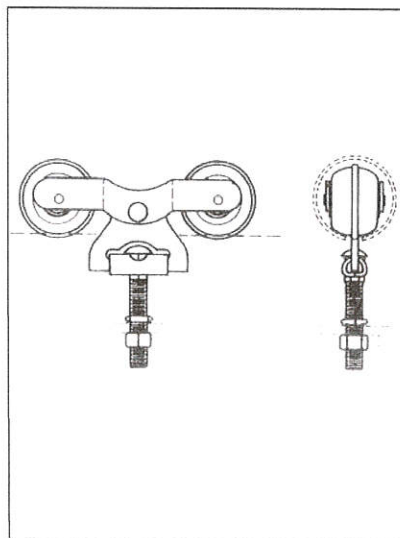
Delrin: Up to 450 lbs. per pair with 14-gauge track
Up to 600 lbs. per pair with 13-gauge track
Up to 1000 lbs. per pair with 13-gauge track, with universal side brackets on 12" spacing

Rods: 2 provided; 1/2" dia. Zinc-plated

Vertical Adjustment: Up to 2 inches

Lateral Adjustment: Slotted doorframe hole required

Suspension Bolt: 1/2 - 13 zinc-plated bolt, hex lock nut and adjusting nut



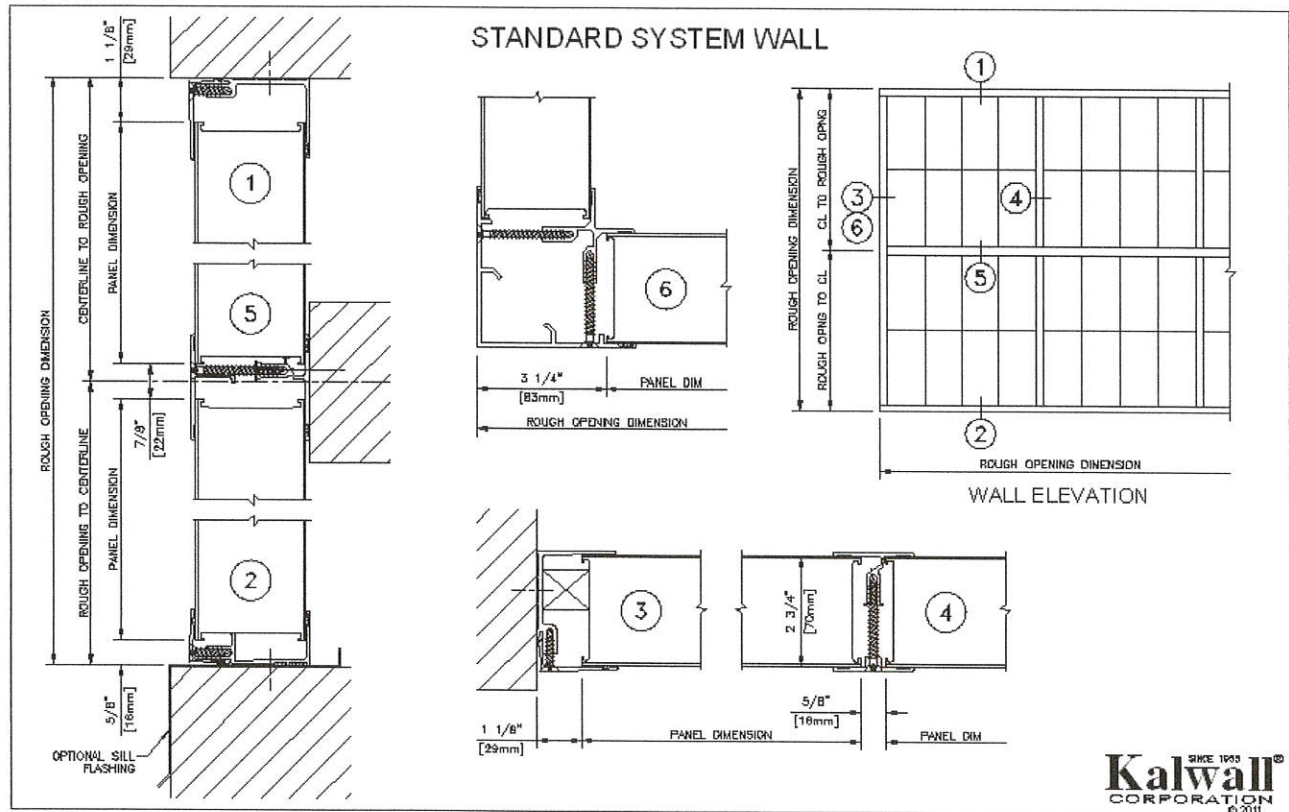
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555 Lawton Avenue, P.O. Box 835 | Beloit, Wisconsin 53512-0835
p. 608.365.2161 | toll free. 800.766.2825 | f. 800.834.7447 | email. sales@cnbhnp.com | www.cnbhnp.com

1/16/13

hems.jpg (800×522)



Kalwall Standard Wall System:

CAUTION: Not all CAD details are appropriate for use in all applications. In order to ensure accuracy, expedite your project and save you time and money, please provide your [email address here](#) so that we may assist you, even at a preliminary stage, in your design.

To view and download construction-ready detail drawings, mouse over detail and click on the detail number or click on the detail name. Download this entire system drawing as a [.DWG](#) or [.PDF](#) file.

- ▶ [1 Standard Wall Head](#)
- ▶ [2 Standard Wall Sill](#)
- ▶ [3 Standard Wall Jamb](#)
- ▶ [4 Wall Batten](#)
- ▶ [5 Multi-Story Batten](#)
- ▶ [6 Outside Corner Batten](#)

◀ Back



PUBLIC PAVILION WITH WALLS STORED IN STORAGE AREA AND PRIOR TO MOVING TO STORAGE AREA. PAVILION WITH EXISTING TENT WALL SYSTEM

PAVILION TRACK

8/10/12

GENERAL NOTES FOR WORKING DRAWINGS OF 4x3x1/4 ANGLE & 3x2x1/4 CHANNEL

FLOOR PLAN SHOWS: DIRECTION OF VIEW OF WORKING DRAWINGS

SPLICE POINTS OF ANGLE & CHANNELS

IMPORTANT CONNECTION - ALTHREAD / HOLES

ANGLES ARE # 1-16

CHANNELS ARE # 20-46

NUMBERS ARE THE ASSEMBLY SEQUENCE @ JOBSITE
EACH PIECE NEEDS ITS NUMBER

FLOOR PLAN & WORKING DRAWINGS:

SYMBOLS

▲ DIRECTION TO VIEW WORKING DRAWING

● 1/2-13 X 1 1/2 ALTHREAD -- DRILL 9/16" HOLE & WELD UNDER FLANGE

○ 5/8" HOLE -- USUALLY BOTTOM FLANGE - FOR TROLLEY

○ 7/16" HOLE -- MOUNTING TO 18X6 GIRDER OR 6X6 BEAM

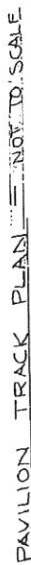
--- JOINING LINE OF CHANNELS / ANGLE

== INDICATES SOLID SIDE OF ANGLES & CHANNELS

* BE SURE TO NOTE SOLID SIDE - SO HOLES / BARS / ALTHREAD ARE IN THE RIGHT PLACE

* REFER TO MAIN FLOOR PLAN

PLEASE CALL TERRY CURTIS @ 510 384-7211
WITH ANY QUESTIONS



NOTES
DIRECTION TO VIEW ANGLE & CHANNEL DRAWINGS
9/16 HOLE - WELD @ BOTTOM
ALL THREAD - ALL THREAD

1/2-13 X 12 mm

USUALY TOP & BOTTOM FLANGE 3X2X4X6HA

JOINING LINE OF ANGLE AND/OR CHANNEL

NUMBERS

1-16 4x3x1/4 ANGLE

20-46 3x2x1/4 CHANNEL
UNGRADED UNIMPROVED IN SITE ASSEMBLY

[illegible]

SIDE S $4 \times 3 \times \frac{1}{4}$ ANGLE


$4 \times 3 \times \frac{1}{4} \times 19' 6''$ PLAN VIEW

NOT TO SCALE

SIDE S $4 \times 3 \times \frac{1}{4}$ ANGLE

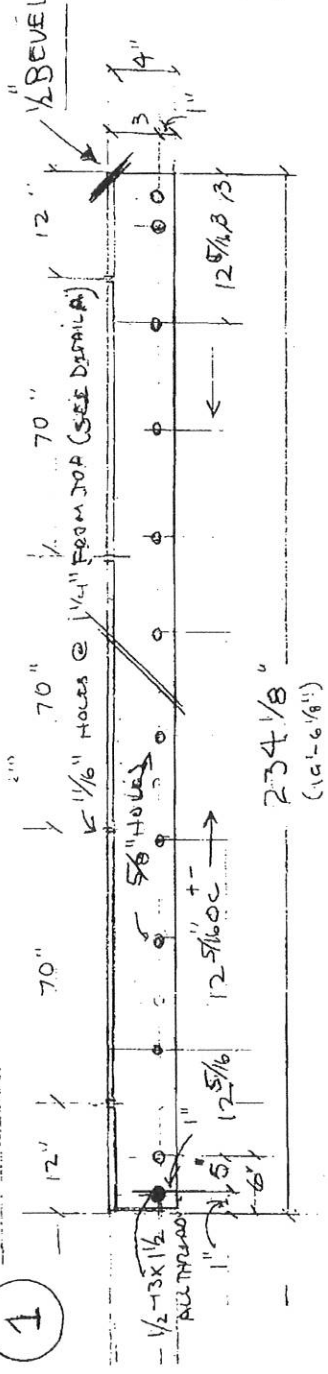
$4 \times 3 \times \frac{1}{4} \times 19' 6''$ PLAN VIEW

DETAIL A $\frac{1}{16} \times 10 \times 100$

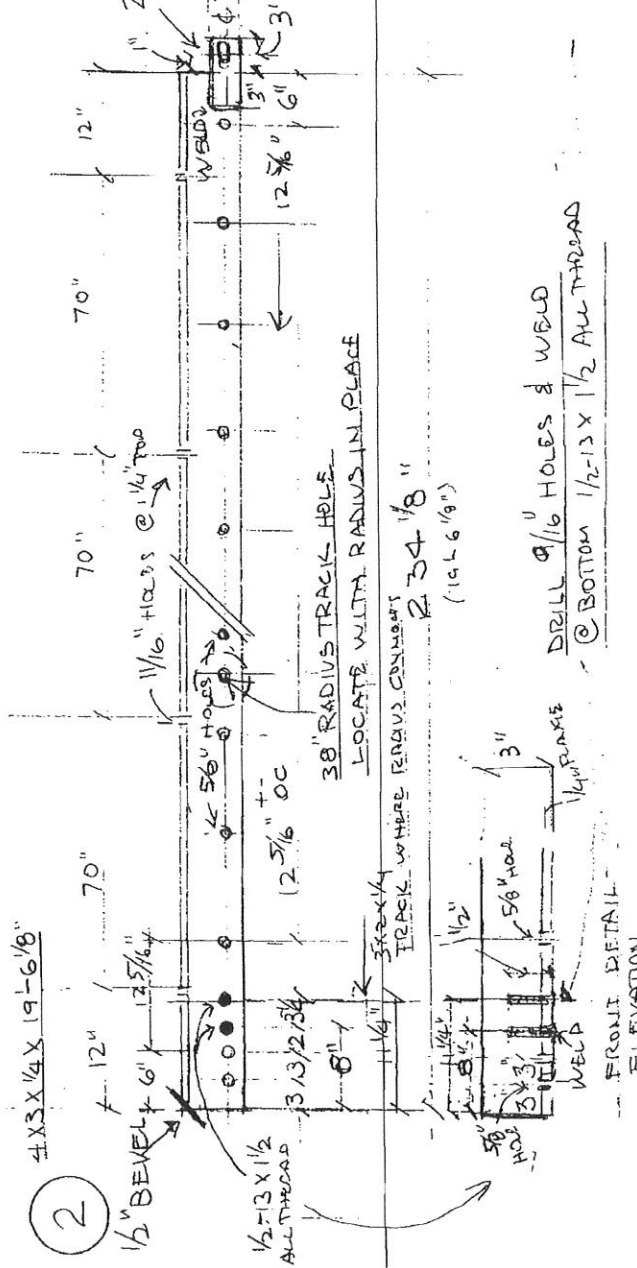


3" 14" 5/8" HOLES 4"

TYPICAL DETAIL
FOR ALL ANGLES



Hand-drawn technical drawing of a slotted hole in a plate. The main view shows a rectangular plate with a central slotted hole. Dimensions include a total width of $5\frac{1}{2}$ inches, a slot width of $1\frac{1}{2}$ inches, and a slot depth of 3 inches. A $\frac{1}{4}$ inch flange is indicated on the left. A detail view shows the slot's profile with a $\frac{1}{2}$ inch depth and a $\frac{1}{4}$ inch flange. The drawing is labeled "TYPICAL".



SIDE S 4X3X1/4 ANGLE

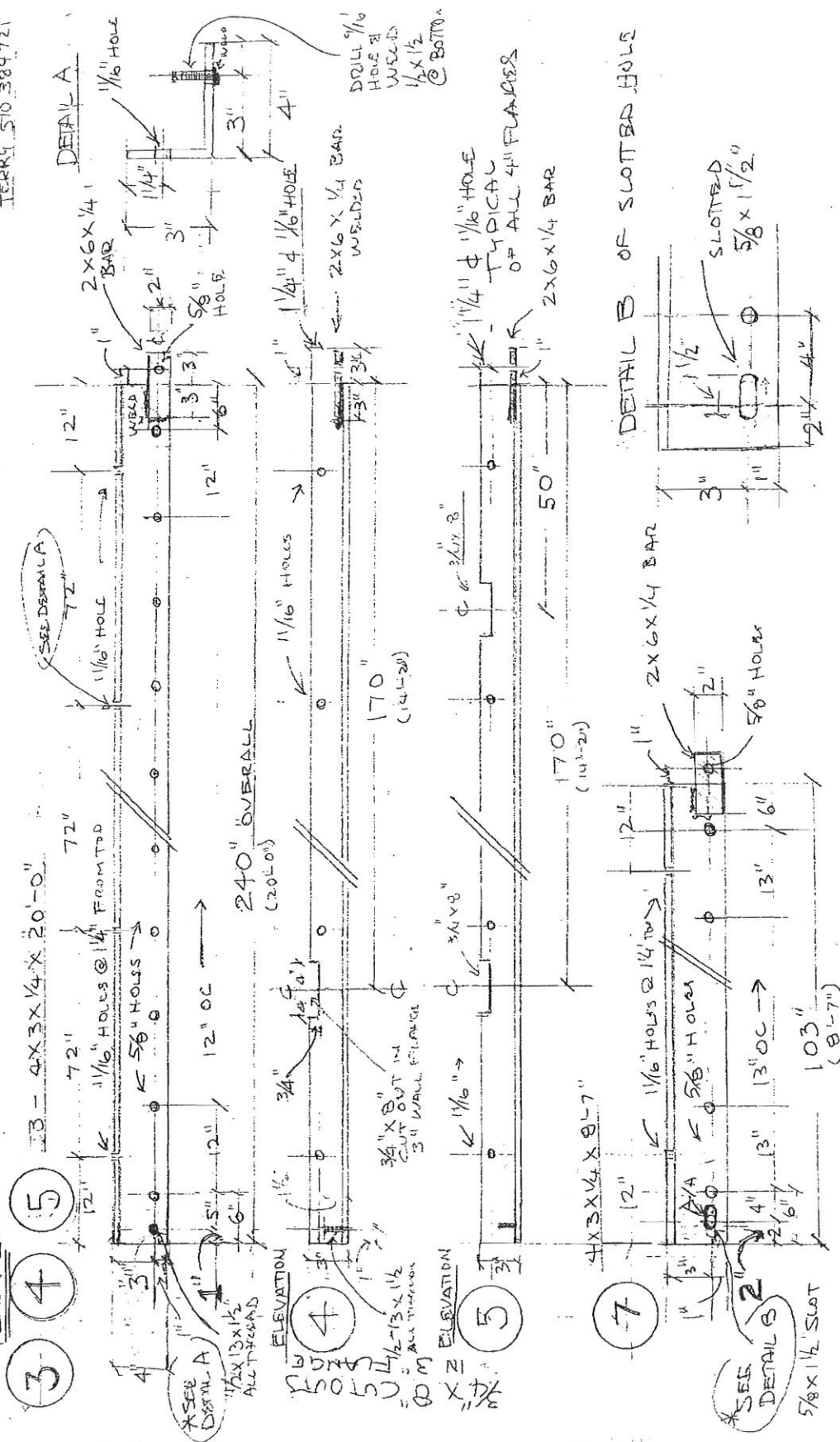
3511 N 4TH AVE
STATION - NEW YORK

11/10/75

is $\frac{1}{2} - 13 \times 1\frac{1}{2}$ AUTM2C4D

②

TERRY 510 384721

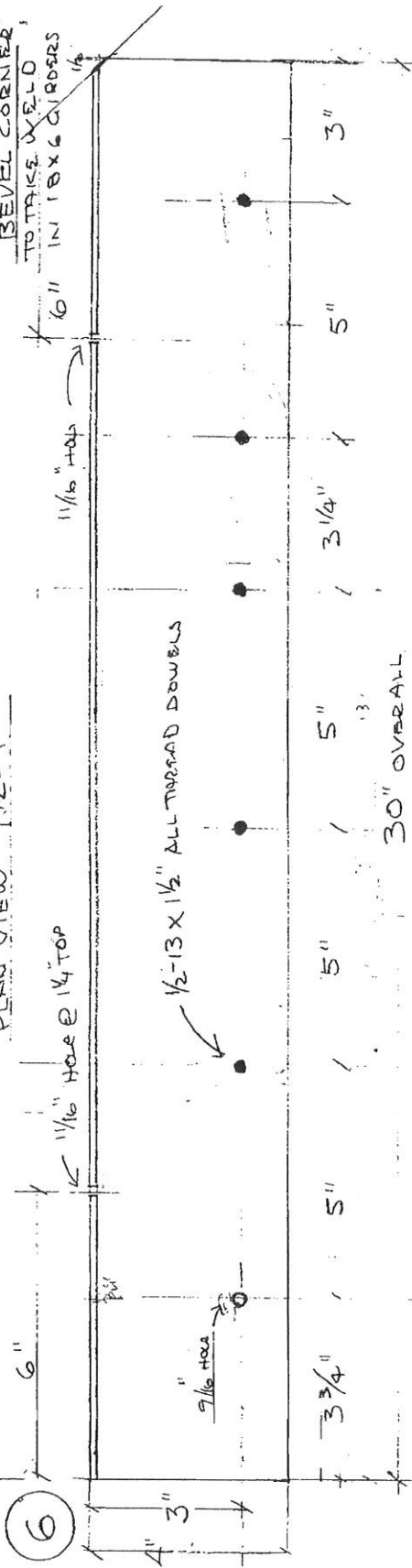


SIDE

4 X 3 X 1/4 X 30" ANGLE

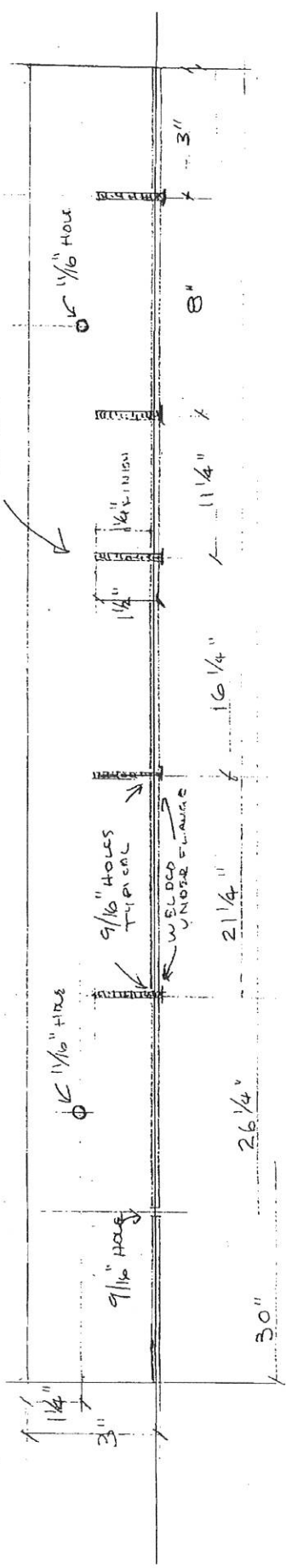
6

PLAN VIEW 1/2" = 1"



7

1/2-13 X 1 1/2 ALL THREAD



ELEVATION 1/2" = 1"

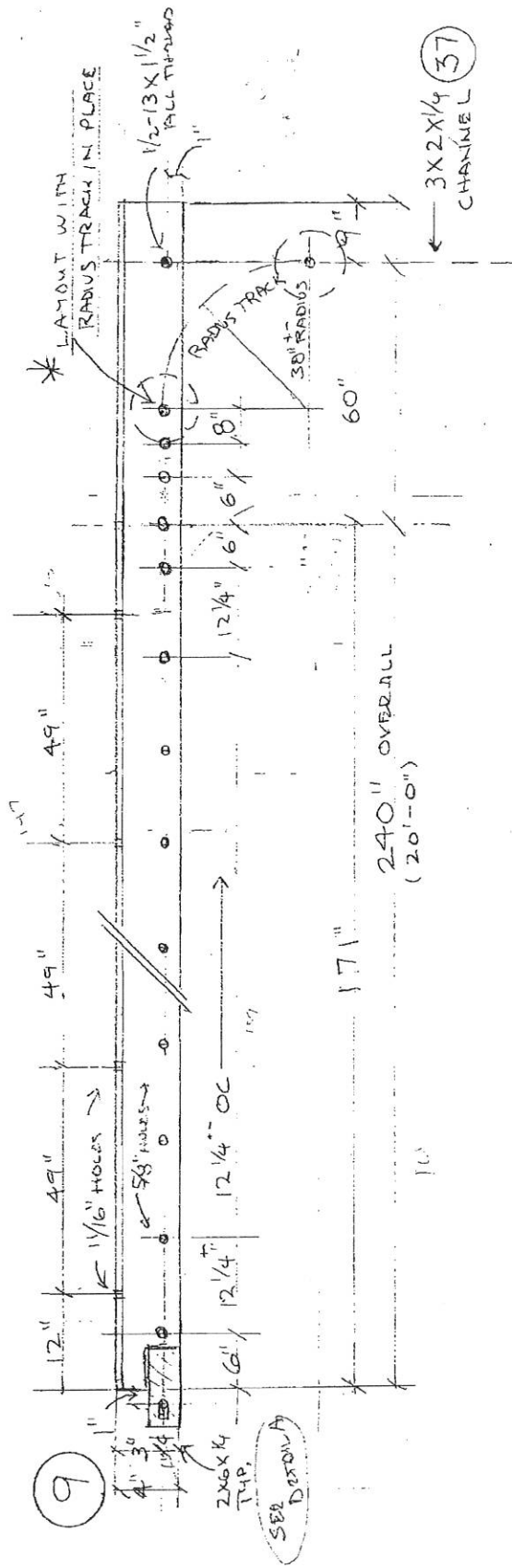
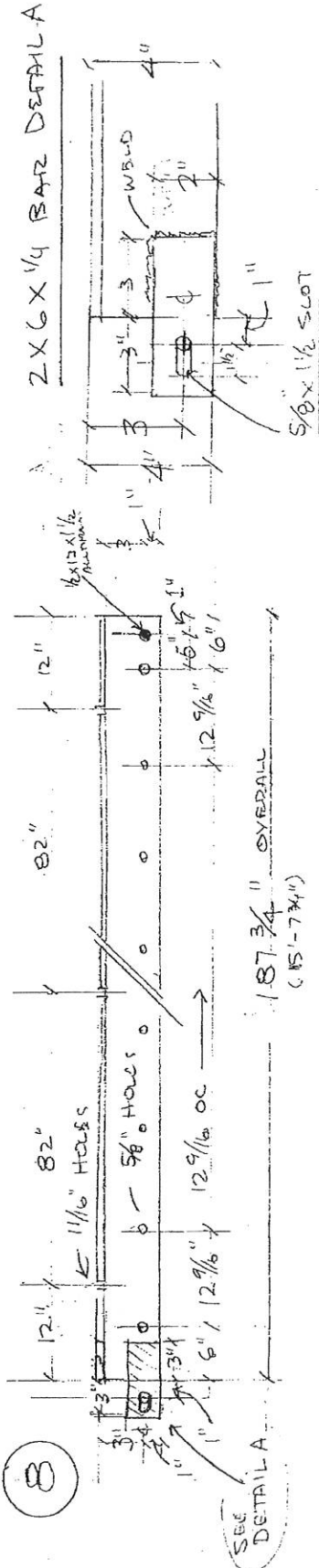
4 sides

$$4 \times 3 \times \frac{1}{4}$$

Aug 5.5

PLAN VIEW TO SCALE

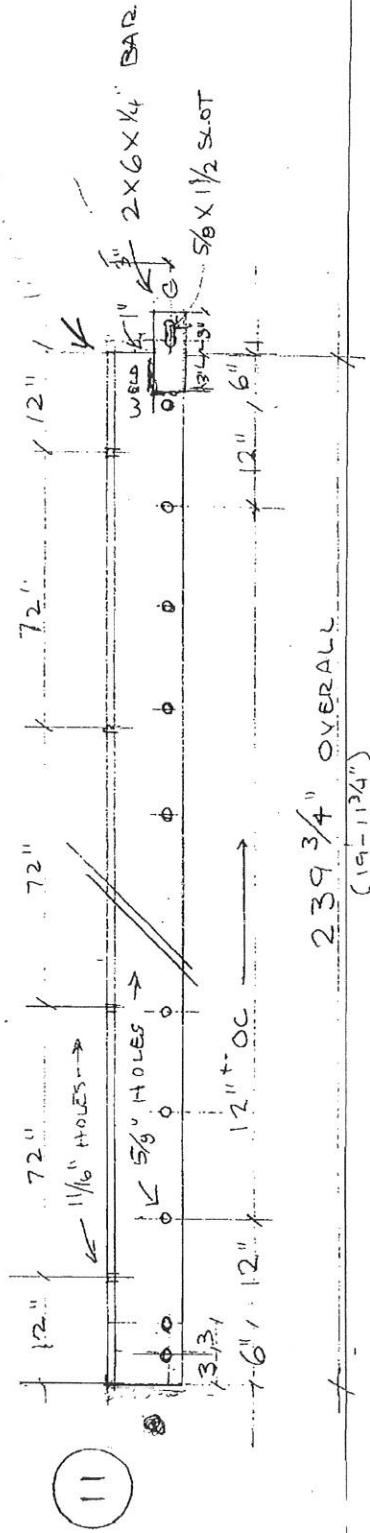
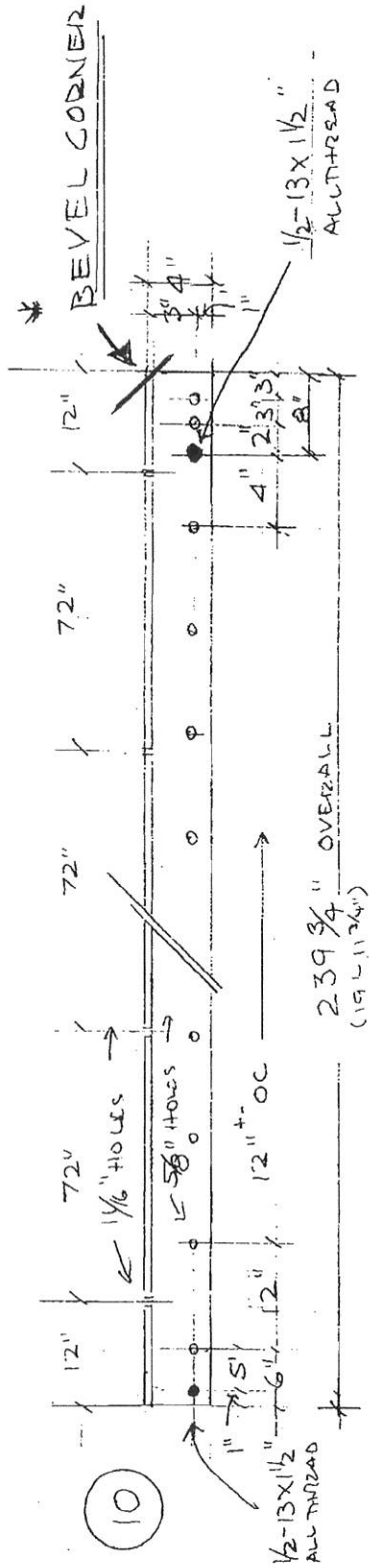
TER24 510 384 72-11



SIDE 3 2-4X3X1/4 X 19'-11 3/4" ANGLES

5

TERBY 510 389 7211

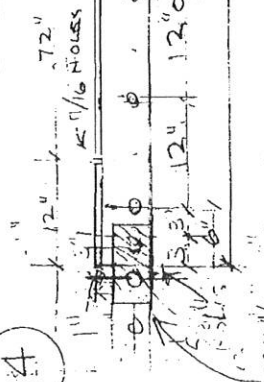


05.
1.
22

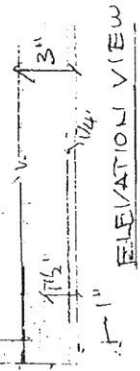
SIDE 1 4X3X1/4 ANGLE DETAILS

4X3X1/4X20'0" PLAN VIEW NOT TO SCALE

14



2X6X1/4 BAR
1" DRILL 9/16 HOLE - WELD FROM BOTTOM

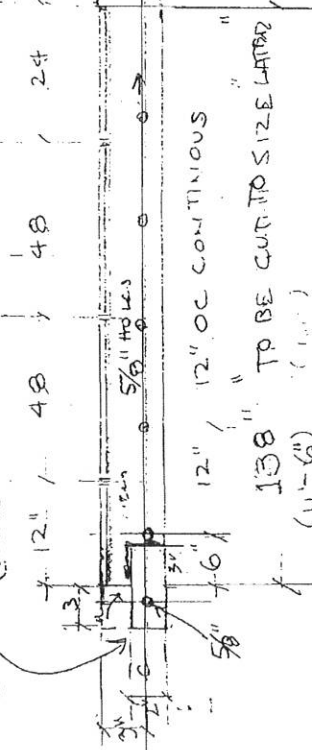


ELEVATION VIEW

4X3X1/4X11'0"

2X6X1/4 BAR
(WELDED TO ANGLE)

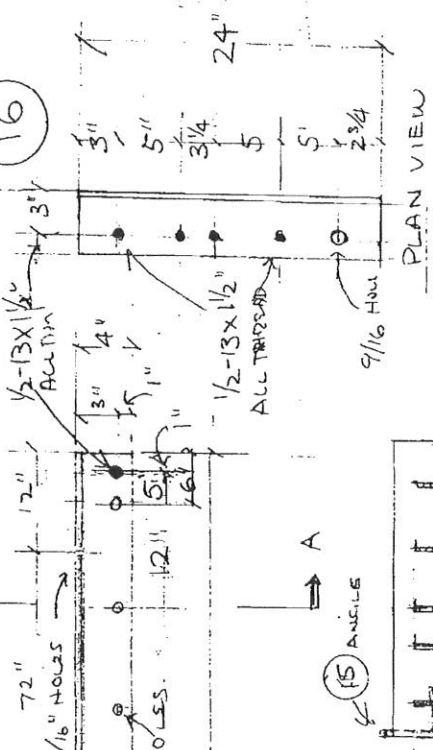
15



12" / 12" OC CONTINUOUS
138" TO BE CUT TO SIZE LATER
(11'-6")

7
TERRY 570 3807211

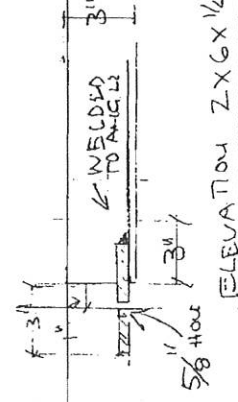
16



PLAN VIEW

* NOTE: DRILL 9/16 HOLE
WELD 1/2-13X1 1/2 ALL
THREADS @ BOTTOM

SECTION A-A OF #16



ELEVATION 2X6X1/4 BAR

SIDE 6 $3 \times 2 \times 1/4 \times CH4N2EL$

*OPEN SIDE FACES 18X6 412550

TRF 12 R-4
510 304 72

021

TOP BOTTOM

11/9/11
100%
← SOLID SIDE

SECTION 3 X 2 X 1' 4"
W 1 1/2" TOPS

$$1\frac{1}{2} \times 6 \times \frac{1}{4} \text{ BAR}$$
 $5\frac{5}{8}" \text{ dia.}$

20

21

(2)

10.6" (8'-10") OVERLAP

17-X-6X16 BAC

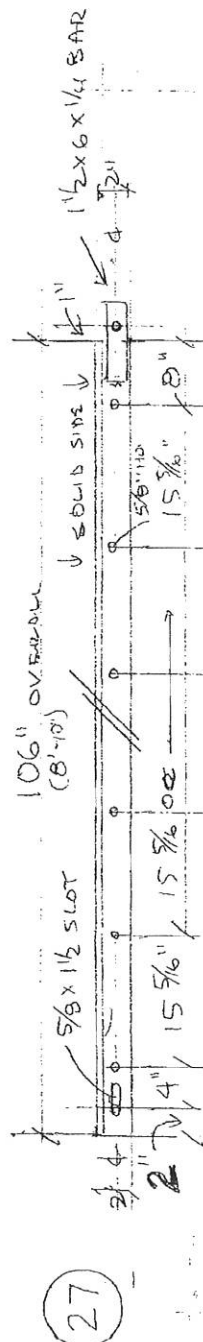
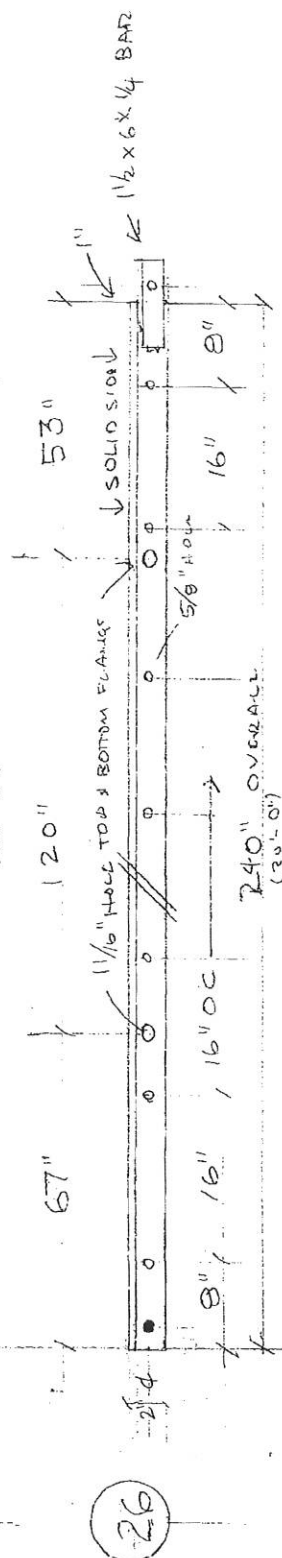
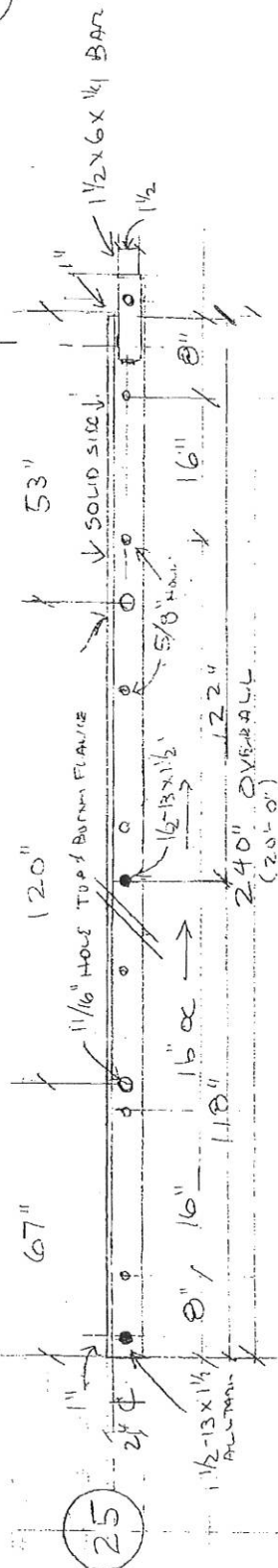
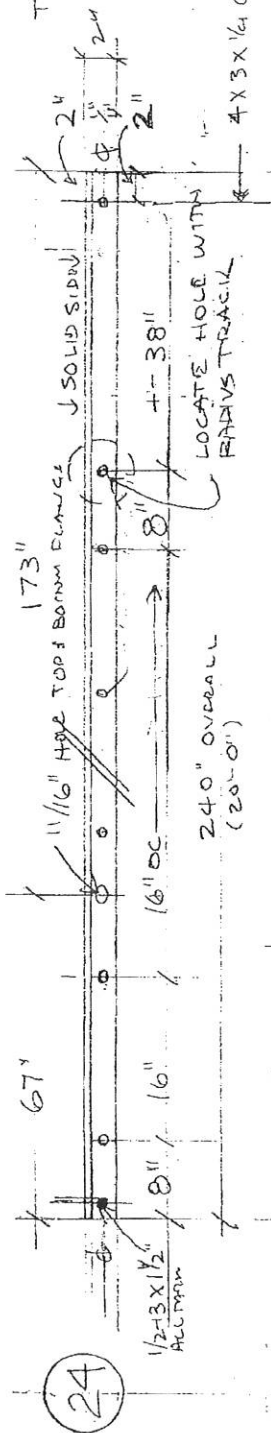
1

1

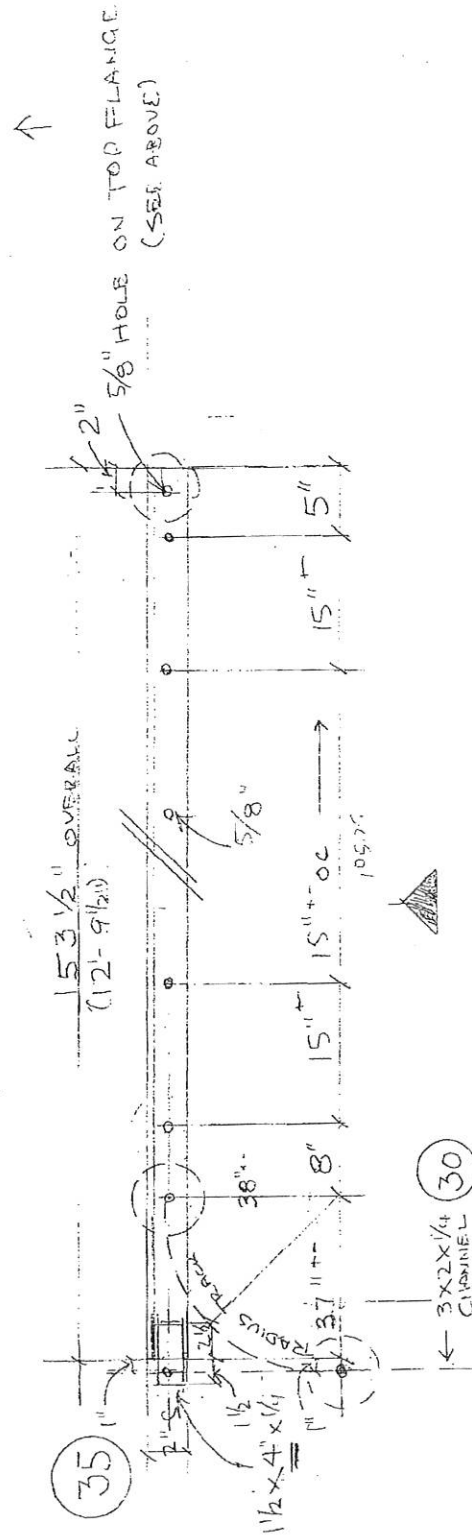
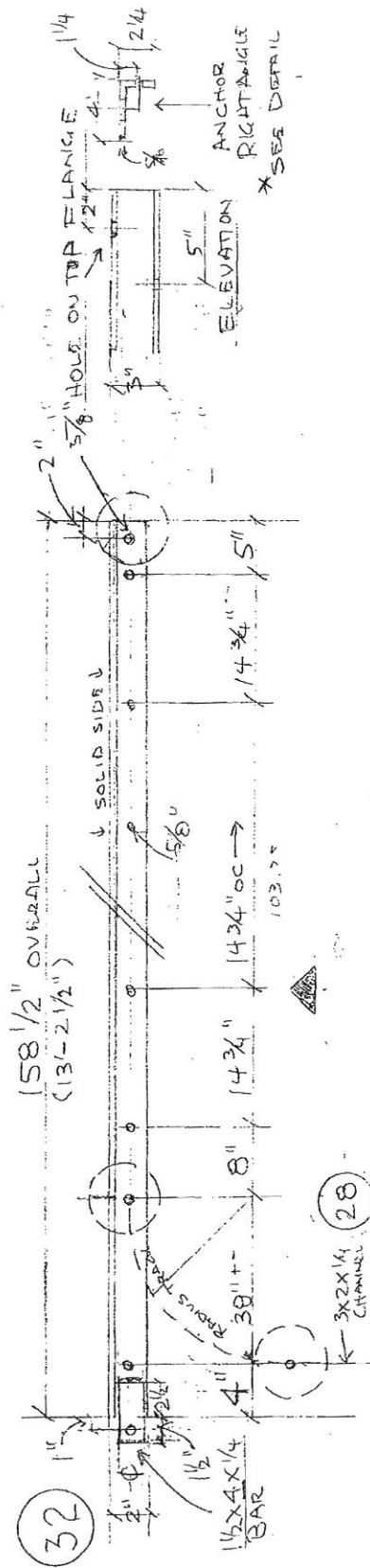
OPEN SIDE FACES AWAY FROM 18X6 GIRDERS

6

TER. 24 510 384 7211



INSIDE 8X2X 1/4 CHANNELS VIEW A / VIEW B

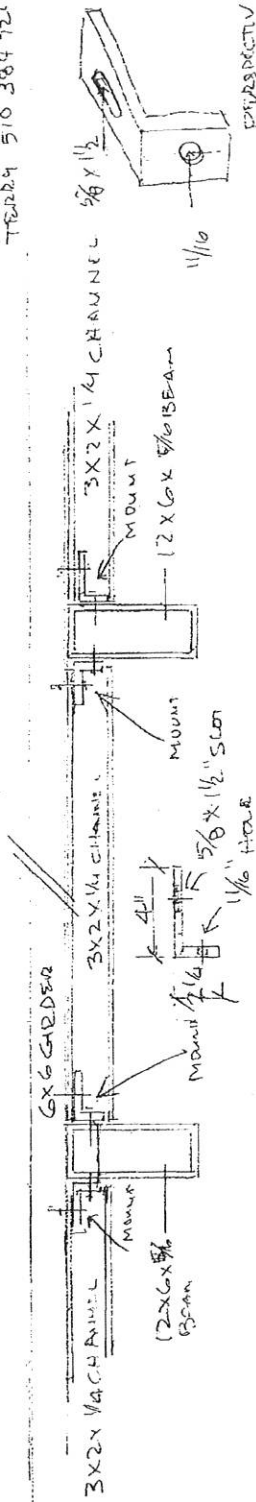


INSIDE 3X2X1/4 CHANNEL SECTION

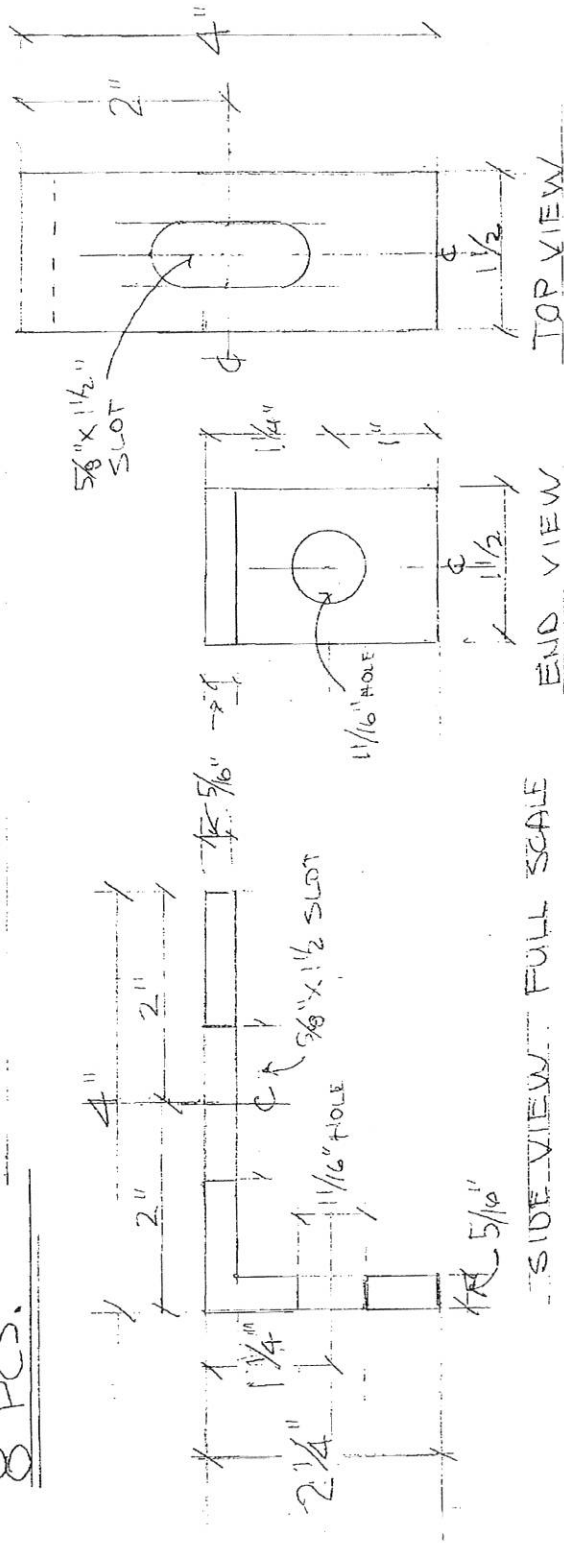
ANGLE MOUNT DETAIL

14

TER24 510 384 721



8 PCS.



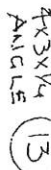
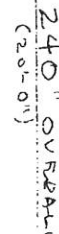
SIDE VIEW FULL SCALE

END VIEW

TOP VIEW

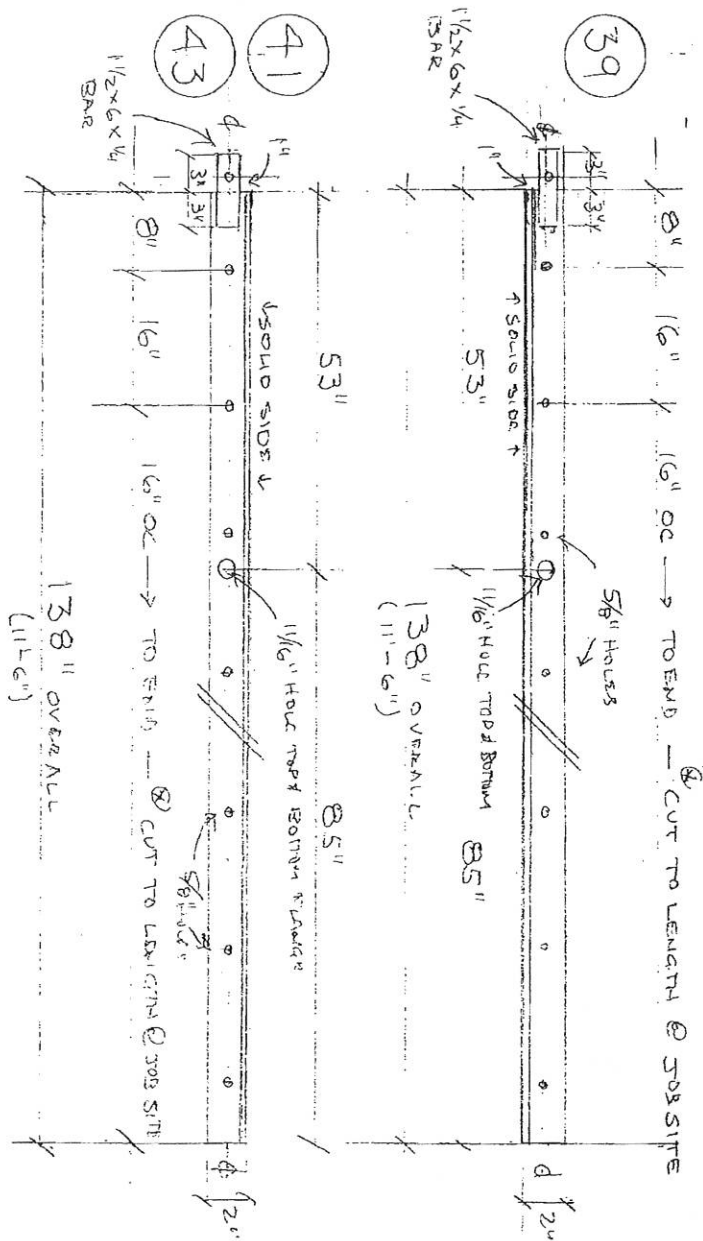
5

211 (15)



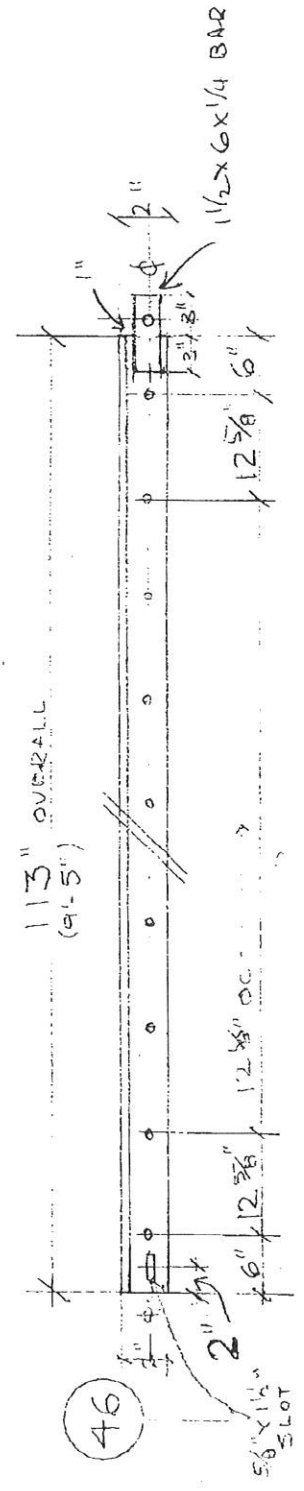
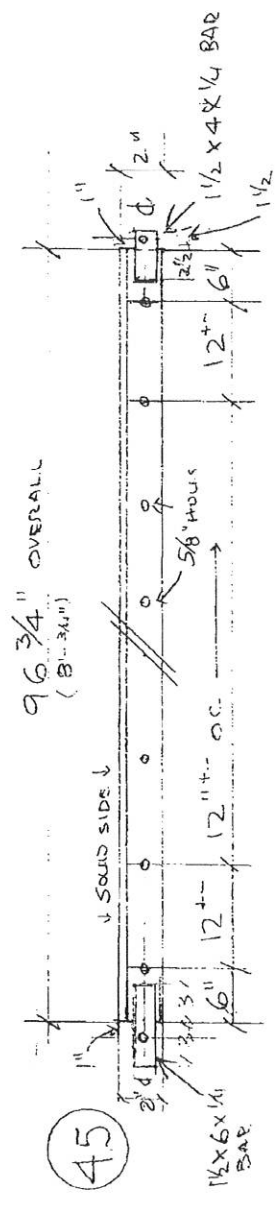
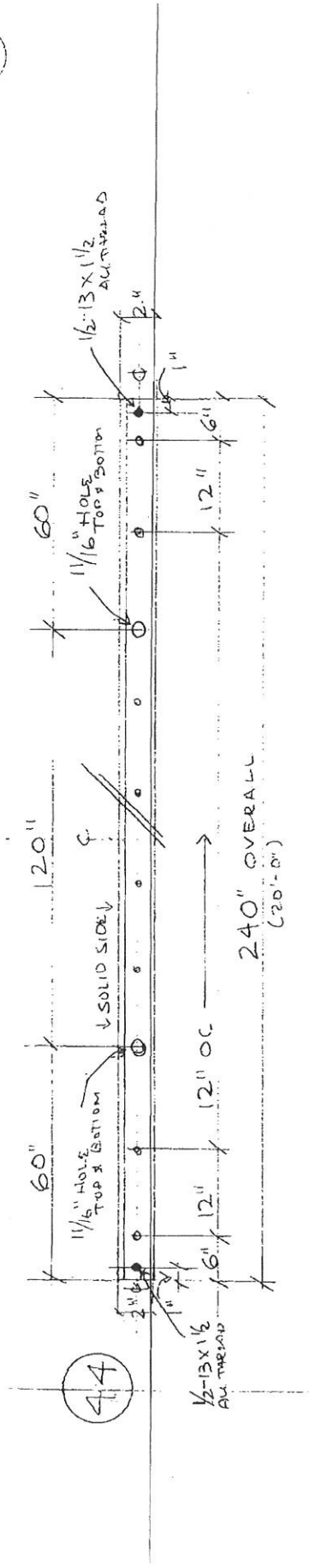
SIDE 1 3X2X 1/4 CHANNEL

TRADA 570 384-7211



SIDE 2 3X2X1/4 CHANNEL

17



Subject: Word document copy of BCDC Permit 1985.019.09B
Date: Wednesday, January 9, 2013 2:58:57 PM PT
From: Ellen Miramontes
To: Reyna Amezcua
CC: Steve Hanson, Steve Fagalde, Julie Braun, Maryann Starn
BCC: Bob Batha, Brad McCrea, Adrienne Klein

Reyna,

Please provide a word document copy of BCDC Permit 1985.019.09B to Julie Braun, Maryann Starn, Steve Hanson and Steve Fagalde for their use in requesting an amendment to this permit.

Thank you,

--
Ellen Miramontes
Bay Design Analyst
SF Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

415-352-3643
<http://www.bcdc.ca.gov/>

Note to file 1.9.13

Just spoke with Steven Hanson by phone.

- He will request an amendment addressing the following:

- special events
- proposal for door structure
- retroactive authorization for storage unit

- He understands that door structure should not provide any physical or visual obstruction.

- I described normal plan review process.

- He will send drawings for wall structure being constructed now retroactively.

- Ellen Miramontes, Bay Design Analyst